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ABSTRACT

The study of overlap between Elementary Secondary Education Act Title I services and P.L. 94-142 (the Education for All Handicapped Children Act) services was designed to address two questions--to what extent is there a duplication of services to students who might be eligible for both programs, and to what extent do procedures and rules in the selection and provision of services to students result in limitations of the services that a student might be eligible to receive. Case studies of schools in six states (California, Tennessee, Wyoming, Washington, South Carolina, and Oklahoma) were conducted. Although patterns of overlap problems differed greatly from state to state, it was found that duplication of services was not a major problem in the districts studied. Among major findings were the following: the extent of dual eligibility in California is unknown since there is no mass screening of students for special education services: in Tennessee, a student's chances of receiving special education services may partly depend on which school the student attends: and in Wyoming, Washington, South Carolina, and Oklahoma, teacher referrals began the process of special education placement and were important for Title I placement as well. Among conclusions were that there is a need for more flexibility in the rules governing the receipt of multiple services, that problems stemming from exclusive reliance on teacher referrals might be reduced by clarifying the differences between Title I students and handicapped students: and that it might serve policymakers well to shift their focus from identifying target populations to meeting the specific service needs of students. (SBH)

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CASE STUDIES OF OVERLAP BETWEEN TITLE I AND PL 94-142 SERVICES FOR HANDICAPPED STUDENTS

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Prepared for:

Office of Assistant Secretary for Education
Department of Health, Education, and Welfare
Washington, D.C. 20202

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SRI Project 4537

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CASE STUDIES OF OVERLAP BETWEEN TITLE I AND PL 94-142 SERVICES FOR HANDICAPPED STUDENTS

Research Report EPRC 26

August 1979

By: Beatrice F. Birman

Prepared for:

Office of Assistant Secretary for Education
Department of Health, Education, and Welfare
Washington, D.C. 20202

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EXECUTIVE SUMMARY

This study of the overlap between Title I services and PL 94-142 services was designed to address the following two questions:

- To what extent is there a duplication of services to students who might be eligible for both programs? That is, to what extent do Title I and PL 94-142 funds purchase the same services for the same children?
- To what extent do procedures and rules used in the selection and provision of services to students result in limitations of the services that a student might be eligible to receive?

Background

The issue of service overlap arises because of the substantial overlap in the populations that the two categorical programs are designed to serve. However, students who are identified as both handicapped and eligible for Title I services (dually identified students) do not necessarily receive both services. This study examined the procedures by which these students become participants in federal education programs, in order to determine the extent to which these procedures result in either duplication or limitation of services.

The main concern of this study was how local educators make decisions about whether to provide dually identified students with only Title I services, only special education services (funded, in part, by PL 94-142), both, or neither. These decisions are made in a complex and ambiguous legal context. The Office of Education is about to issue new regulations about the provision of services to handicapped students, which may resolve some of the short-run problems.

But problems of overlap may be inherent in the system of federal categorical programs in education, which arose not as the result of an overall plan but as a set of specific responses to a number of different national needs and the pressures of disparate interest groups.

Therefore, the problems of overlap are important to the whole spectrum of federal education programs. While rigid separation of programs and target populations may make sense historically, it can present a confusing picture to administrators and teachers attempting to implement federal education laws at the local level.

The possible overlap in services to dually identified students is important because of the increased federal commitment to expenditures for both Title I and handicapped students. But beyond budgetary concerns, the proliferation of categorical programs at both the federal and state levels warrants a broad and detailed examination of the structure of categorical programs and coordination of multiple services for students. This study was intended to be the first step in such an examination.

Design

The study design had two essential characteristics: it was school-based and exploratory. By focusing on the school level, the study was limited to Title I students and those handicapped students who are served at regular schools. The study was designed to identify the range of issues that might arise from attempts to provide services to dually identified students. Therefore, the selection of states, school districts, and schools was aimed at providing the maximum variability in funding situations, size, and location. The study was not intended to provide a statistically accurate account of the nationwide incidence of particular overlap problems.

Case studies of schools in six states were conducted. In-person interviews were held in California and Tennessee. Telephone interviews were conducted in Oklahoma, South Carolina, Washington, and Wyoming. An initial investigation of the issues involved in "triple overlap" among Title I, handicapped, and bilingual programs was undertaken in four large urban districts with substantial bilingual populations.

Research questions in three areas were addressed. In the area of student selection, we asked: How are students identified for both

Title I and special education programs? Under what conditions are students identified for participation in both programs simultaneously? In the area of services provided by Title I and special education programs, we asked: What are the similarities and differences between Title I and special education programs? In the area of receipt of Title I and special education services, we were interested in the following questions: Under what conditions do students participate in both programs? If a student receives services funded by both Title I and PL 94-142, do schools have mechanisms to avoid providing identical services to students? Do schools have mechanisms to avoid providing contradictory or confusing services? How do schools cope with the possible problems of disrupting the base program of students who receive both sets of services?

Findings

Although patterns of overlap problems differed greatly from state to state, we found that duplication of services was not a major problem in those districts tapped by this study. In California, we found that many students received both Title I and special education services primarily because the state's compensatory education program is fully funded. However, for these students, teachers seemed to make a substantial effort to coordinate services and therefore avoid providing identical or redundant services. Participation of students in more than one program did result in some cases of disruption of student programs in California; some students were "pulled out" for so many supplemental services that their base programs were disrupted. In Tennessee, we found far fewer cases of dually identified students receiving services from both funding sources for two reasons. First, explicit policies discouraging the receipt of services under both Title I and special education programs were more common in the Tennessee districts than in California. Second, school staff seemed reluctant to provide some students with a "double shot" when funds were insufficient to provide all eligible students with services.

Low funding levels for both compensatory and special education services were a much greater problem in Tennessee than in California. The states in which we conducted telephone interviews seemed more similar to Tennessee than to California in that very few students seemed to be receiving both sets of services.

Duplication of services was not a major problem, but the limitation of services was a problem in all states we visited. Some dually identified students are precluded from receiving Title I services because of rules or policies that prohibit students who are diagnosed as "handicapped" from receiving Title I services. These rules are based on the premise that receipt of Title I services by handicapped students constitutes supplanting of resources that the states should be providing. In some schools, separation between the two programs was carried so far that students with slight speech or vision impairments could not participate in Title I academic programs. Furthermore, reliance on initial referrals by classroom teachers raises the issue of the possible non-identification of some handicapped students. Teachers may base their referrals on factors that have nothing to do with a student, such as overcrowded special education classes or availability of other services, such as Title I programs. Many students with undiagnosed mild handicaps may be receiving services only through Title I programs, or may receive no special services at all.

Policy Implications

Although service duplication did not seem to pose a major problem in the districts surveyed, the federal government might encourage efforts to improve the coordination of program services to dually identified students. The study also indicates the need for more flexibility in the rules governing the receipt of multiple services. Federal policymakers need to clarify conditions under which students might receive services funded by both Title I and special education programs. Such clarification would require policymakers to reassess whether the receipt of Title I services by handicapped students constitutes a supplanting violation.

Problems stemming from exclusive reliance on teacher referrals might be reduced by clarifying the differences between Title I students and handicapped students. Federal guidelines and technical assistance directed toward improving teacher awareness of appropriate criteria might be helpful. Instituting a screening procedure for the identification of handicapped students might also be considered. Such policy directions would be hampered, however, by the lack of universally shared criteria to identify students with some mild handicaps.

Finally, this report suggests that federal policymakers examine the conditions under which it really makes a difference whether students receive Title I or special education services. It might serve policymakers well to shift their focus from identifying target populations to meeting the specific service needs of students. One approach might be to view the school as housing a "smorgasbord" of student services and ask, "Which services would help a student who has certain functional needs (e.g., reading problems or perceptual-motor disabilities)?" This approach would require granting more decisionmaking authority to the school level where services are actually delivered.

Such an approach would require substantial changes in the current structures of federal education programs. However, this suggestion also incorporates the thrust of PL 94-142, which is to move away from labels and toward a service orientation, and expands this thrust to all federal education programs.

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This project would not have been completed, or even begun, without help from many individuals. My first thanks go to the numerous state, district, and school administrators and teachers who contributed so much of their time to help us understand the issues surrounding overlapping educational programs and their local repercussions.

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While the above individuals share the credit for this report, I accept full responsibility for the final product.

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I INTRODUCTION

Overview

This study of the overlap between ESEA Title I services and PL 94-142 services was designed to examine the arrangements that local educators make to serve children who might be eligible for both programs. Underlying this examination were two questions:

- To what extent is there a duplication of services to students who might be eligible for both programs? That is, to what extent do Title I and PL 94-142 funds purchase the same services for the same children?
- To what extent do procedures and rules used in the selection and provision of services to students result in limitations of the services that a student might be eligible to receive?

These questions arise because of the overlap in populations that the categorical programs are designed to serve. Title I programs are designed to serve low-achieving students in low-income neighborhoods. PL 94-142 funds are targeted for students with handicaps that impede learning or participation in school activities. Because such handicaps can result in low achievement and are more prevalent in low-income populations (Craig and McEachron, 1975; Craig et al., 1977; Malgoire et al., 1979) the Title I and PL 94-142 target groups are likely to overlap.*

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*A preliminary analysis of data from the Survey of Income and Education (Burnett and Machover, 1978) indicates that about one-third of the handicapped population of school-age children is also poor. The same figures indicate that about one-sixth of poor school-age children are handicapped compared with about one-tenth in the general school-age population. Whether the relationship between poverty and certain handicapping conditions is the result of bias in test instruments has been a subject of continuing research (see, for example, the work of Mercer, 1973; Mercer, 1975).

But an overlap in the populations of handicapped and Title I children does not necessarily translate into an overlap in services of the same proportions. Neither Title I nor special education programs actually serve all eligible students, even though in the case of special education students the provision of a "free appropriate public education" to all handicapped children is required by law. There is a series of steps by which eligible students actually receive services from Title I and PL 94-142. Funding formulae, administrative rules, and standard operating procedures intervene between the defined target populations and those who actually receive services (Barro, 1978; Weatherley and Lipsky, 1977; Weatherley, 1979).

While the initial concern of this study was the duplication of services, we also explored the possibility that the procedures and rules used by districts in the selection and provision of services to students might result in limitations of the services that a student might be eligible to receive. Whether the federal government is unnecessarily duplicating or limiting services to students can only be ascertained through an examination of the local practices by which students become participants in either Title I programs, special education programs, or both. The purpose of this study was to provide such an examination.

To obtain a cross section of local practices and in-depth understanding of local problems, we conducted case studies of schools and school districts in six states. Face-to-face interviews were conducted in California and Tennessee. Telephone interviews were undertaken in Wyoming, South Carolina, Washington, and Oklahoma. In addition, an exploratory investigation of the issues involved in triple overlap among Title I, handicapped, and bilingual programs was undertaken in four districts, three of which were large urban districts with substantial bilingual populations. (The results of this part of the study appear in Appendix A.)

Importance of the Study

The question of overlap in services to students who are eligible for assistance from both Title I and PL 94-142 has become increasingly important because the Federal government now has substantial commitments to both populations. For FY79, Title I appropriations directly to school districts are set at $2.6 billion.[*] The Federal government has substantially increased its commitment to handicapped students. Authorizations under PL 94-142 are currently 10% of excess costs for FY79 and are scheduled to rise to 40% of excess costs by FY82. Appropriations are not keeping up with these authorizations; FY79 appropriations are only 9% and are currently expected to be much less than 40% in FY82.[†] Nevertheless, Federal expenditures under PL 94-142 will be substantial; expenditures for state grants in FY79 are $809 million.[‡] Even a proportionately small amount of unnecessary overlap in the services provided by Title I and PL 94-142 could be costly to the Federal government.

While it is unlikely that appropriations under PL 94-142 will keep pace with authorizations, state and local sources are still required to provide identified handicapped students with a "free appropriate public education." The legal entitlement of handicapped students to services (see Kirp and Winslow, 1978), combined with low federal contribution for handicapped students, could increase incentives for states and districts to seek ways to economize in the provision of services to handicapped students. Such economies may result from the use of other funding sources (e.g., Title I) or policies that discourage the identification of certain handicaps, especially those for which students might otherwise receive services from nonspecial education sources (e.g., Title I services). On the other hand, the use of Title I services for the handicapped may be minimized by rules prohibiting the participation of handicapped students in Title I programs. Each pattern could result in an inappropriate match of services to students and service limitations that would undermine the original goals of both laws.

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[*] If Title I grants to state education agency (SEA) programs are included the total federal expenditure rises to $3.3 billion.

[†] Increased appropriations under PL 94-142 may be difficult to justify because of the lower than expected handicapped child counts during the first year of the program (Education Daily, Nov. 29, 1978; Bureau of Education for the Handicapped, 1979).

[‡] Federal expenditures pay for only a small proportion of the expenses mandated by the new law; state and local sources are required to pay the balance of services needed by handicapped students. The annual cost of post-PL 94-142 special education in FY79 is expected to be about $6-7 billion, with state and local sources picking up about 87% of that cost. Thus, the total expenditure for handicapped students nationally far surpasses totals spent in compensatory programs for disadvantaged students, where Title I funds account for about 90% of the total amount spent in compensatory education programs.

The potential for wasted federal expenditures and inappropriate provision of services to students from overlapping target populations has become more widespread as a result of PL 94-142. State and local administrators have long been aware of inconsistencies in categorical programs (LBJ School, 1977; Wilken and Porter, 1977). They also know that federal strategies "accentuate the difficulties of serving overlapping groups of students" (McDonnell and Pincus, 1977). However, prior to the passage of PL 94-142, coordination problems were probably limited because Title I was far and away the largest and most dominant federal categorical program, dwarfing all others by comparison. It was also the most demanding federal program in terms of the compliance requirements placed on districts. PL 94-142 now threatens to rival Title I in the number of districts and schools affected and the explicitness and scope of its requirements. As a result, the problems of coordination raised by multiple but independently governed federal programs with overlapping target groups will affect virtually every school district in the nation.

Background and Legal Context

In part, problems of overlap are inherent in the system of federal categorical programs in education. Such programs arose not as the result of an overall plan but as a set of specific responses to many different national needs and the pressures of disparate interest groups (Ginsburg, 1977). ESEA Title I was the education gun of the war on poverty; PL 94-142 was enacted in response to public interest and group pressure stemming from numerous lawsuits claiming denials of due process, exclusions from the education process, and the misplacement of handicapped children. Each program--with its own rules, regulations, and guidelines--was developed to serve, in theory, a separate and distinct target population. From a structural standpoint, each program assumes that it is the only one in existence, or at a minimum that other programs should be marshalled to supplement it.*

While the independence of the two programs makes sense historically, it presents a confusing picture to administrators and teachers attempting to implement both programs simultaneously. Can Title I services be provided to students with handicaps? Neither the laws and regulations of Title I nor PL 94-142 provide adequate answers to this question.

Title I Provisions

Title I's no-supplant provisions constitute the principal mechanism by which the program has maintained its separation from other education programs; they are also (along with "comparability" rules) the major mechanism by which Title I administrators have attempted to marshall funds from non-federal sources to the service of the Title I target group. The no-supplanting rules are those most often cited in arguments against providing Title I services to handicapped students.

When PL 94-142 was introduced in 1975, Title I had been functioning for a decade and most of its requirements were well in place; its no-supplant provisions by then had undergone substantial refinement. The purpose of the no-supplanting rules is to prevent discrimination against

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*For example, Title I's "coordination clause" requires that the LEA applicant demonstrate that it has taken into consideration benefits and services that are or may be available through other public and private agencies. PL 94-142 sets forth service requirements with no direct ties to the level of funds provided and therefore implicitly assumes the use of other funding sources.

Title I project areas and children in the application of state and local resources, and to assure that federal money is used for supplemental services. The regulations in effect during 1965-76 set forth the following restrictions on the use of Title I funds:

- Title I funds may not be used to replace state or local funds that would be made available in the absence of Title I for participating children in a project area.
- Neither the project area nor the participating children may otherwise be penalized in the application of state and local funds because of the use of Title I funds.
- Title I funds may not be used to provide instructional or auxiliary services that are ordinarily provided with state/local funds to children in non-project-area schools.

The no-supplanting concept has always been imbedded in the Title I framework, although the explicit rule first appeared in the statute in 1970. In 1974, Congress also added a clause stating that program funds were to pay only the "excess costs" of programs and projects funded under Title I.

The Title I directive to "supplement not supplant" arose in part from the context in which the law was originally passed. When it was established in 1965, the Title I program was to be the largest education effort ever undertaken by the federal government; and it was the first federal education program aimed at serving a specific target population. In this context, the initial thrust of Title I regulations was to ensure that federal funds were actually spent on the intended beneficiaries.

During the past decade, state and local responsibilities toward minorities and the handicapped have increased as the result of court action as well as federal and state legislation. State and local educational agencies have come under court orders to desegregate or to provide equal educational opportunity to students of limited English speaking ability (Lau v. Nichols). Furthermore, many state and local education agencies (SEAs and LEAs) have themselves become aware of the needs of particular subgroups in their student population and have created special programs to address their needs.* Finally, PL 94-142 requires states to pass laws that affirm the right of handicapped students to services.

In light of these changes in the context of Title I programs, the 1976 Title I regulations contained an important revision to the no-supplant rule. According to the provision (45CFR 116.40[b]), Title I funds shall not be used to provide services that the LEA is required to provide by state law or pursuant to a formal determination under Section 504 of the Rehabilitation Act or final court order.†

An additional provision (Section 116.41[c]) states that Title I funds may be used to provide services listed in the project application once designated and available state and local funds for those services have been exhausted. The separate placement of these two provisions in the regulations creates a good deal of ambiguity about whether the second provision modifies the seemingly all-encompassing scope of the first, which prohibits Title I funding of services that the district is otherwise required to provide. If the Office of Education (OE) policy in fact is that Title I funds cannot be used for such services even when the state has not provided adequate funding to meet the requirements of its own laws, then the provision allowing Title I fund usage when state and local funds are not available appears to provide contradictory policy guidance.

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*Minimum competency requirements, which have already been adopted in 34 states, may create a particularly problematic subgroup as states attempt to meet the needs of those who fail the examination.

†Also reflecting the proliferation of state and local responsibilities and programs, the 1978 Amendments to Title I include a provision allowing districts to skip eligible students in "greatest need" from program participation if they receive services comparable to Title I services from non-Federal sources (Section 123[d], PL 95-561). Although this provision was introduced to handle the influx of state compensatory funds, it raises the issue of whether students who are "comparably served" through special education programs can also be "skipped." The provision also has the effect of raising the issue of whether students "comparably served" with Federal, rather than state, funds can be skipped at all. This provision could be used as the basis for excluding at least some handicapped students from Title I services.

While the policy interpretations of no-supplant preceding these 1976 provisions were designed to prevent Title I from paying for desegregation or Lau compliance activities, the 1976 regulations were written to apply to handicapped students as well, particularly with the passage of state special education laws pursuant to PL 94-142. This strategy appears to be based on an assumption shared by Title I advocates and officials that restricting the use of Title funds for such purposes would provide an incentive for full state and local funding of handicapped requirements, thus allowing Title I funds to serve a greater number of non-handicapped low-achieving students.* On the other hand, one could assume that the restrictive strategy serves as a disincentive to the passage of broad handicapped legislation, leading states or local agencies to define their handicapped student population very narrowly. No data exist to confirm which incentive (if any) has operated.

PL 94-142 and Section 504 Provisions

PL 94-142 requires as a condition to the receipt of funds that the state agency have a policy (whether by statute, court order, attorney general opinion, or other source of law) ensuring that all handicapped children have a right to a free appropriate public education (45 CFR 120a.121[a]), and that the state will pursue the goal of providing full educational opportunity to all handicapped children "aged birth through twenty-one" (45 CFR 120a.123). Thus, for all states participating, each handicapped child now has a right under state law to a free appropriate public education (FAPE). In addition, any LEA receiving Federal funds must provide FAPE to such children to avoid non-compliance with Section 504. The meaning of the term "appropriate," however, is not defined in the law. Thus the particular services required of the states under PL 94-142 have remained unspecified[*] and to a large extent the issue may be decided in the courts.

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*This has been an important development. Since the first regulations for Title I were issued in 1965, the definition of eligible ("educationally deprived") children has always expressly included handicapped children. In addition, the legislative history to the original Title I bill listed services for handicapped children as being among the possible uses of funds. The appropriateness of this use of funds has traditionally been dependent on the extensiveness of the state special education law's provisions and funding (see, e.g., Lawyer's Committee, 1977, Chapter 11). Now, however, the existing provisions and any other obligations imposed--rather than funding actually provided--may be controlling.

To compound the lack of service specifications, PL 94-142 is vague about funding for these services. The state is obligated under the law to "ensure" that handicapped students receive FAPE; the law does not specify from what source payment for these services must come. The law, in effect, views the state as responsible for marshalling the resources and services that are necessary to ensure FAPE, whatever the source.[†]

If Section 504 and PL 94-142 are viewed in isolation, this lack of specification is not particularly troublesome. In fact the laws are structured to make the specific services required the subject of individual diagnosis and placement, with the accompanying procedural protections. The problem arises because it is this unspecified level of services that determines what the state is "obligated to provide" under Section 116.40(b) of the Title I regulations. Without specification of the service levels (and thus the funds that must be expended), there is no way to determine whether the application of Title I funds to serve the needs of handicapped students violates Title I's no-supplant rules.*

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[*] Beyond compliance with federal law, Section 116.40(b) also applies to the state's own special education law. Prior to the passage of PL 94-142, there was extreme variation in the size and scope of state special education laws. One effect was that in states with "weaker" special education laws, it was easier to use Title I funds for serving handicapped children because it was easier to show that the services were supplementary; by establishing that handicapped students were those in "greatest need," districts could include components for handicapped students in their Title I programs. Now many states have laws that go beyond the basic mandates of Section 504 and PL 94-142 to require serving "all the needs" of handicapped children. In such states, 116.40(b) would seem to preclude participation in Title-I-funded services.

[†] The funds restrictions in the PL 94-142 regulations primarily address the handicapped child's base program.

Guidelines for Providing Services in Cases of Overlap

Neither Title I nor PL 94-142 provide clear guidelines for the provision of services to handicapped students who are eligible for Title I. In part, the ambiguities arise from the contrasting structures of the two laws. While Title I arose as a vehicle to provide added funding to identified groups of students, PL 94-142 is more like a civil rights statute, ensuring the rights of individuals. In this context, Title I programs have focused on a process approach that spells out procedures designed to control the appropriate uses of Title I funds. By contrast, PL 94-142 has focused more on a service standard approach that establishes entitlement, for example by assuring procedural fairness and "appropriateness," and less on where funds for these services should be obtained or how applied (Barro, 1978; Ginsburg, 1977). Local educators live with the consequences of these structural differences in the two laws because clear guidelines and coordinating regulations are difficult to write in such a context.

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*The issue becomes even more complex because what is necessary to comply with Section 504's standard that handicapped children's needs be met "as adequately as" nonhandicapped children's conceivably could be less than PL 94-142's provision to meet handicapped children's needs whatever they are (i.e., independent of the relative standard). It is unclear whether Section 116.40(b) covers any such difference required to comply with a categorical program (PL 94-142) as opposed to a nondiscrimination statute (Section 504).

The Office of Education (OE) is currently developing regulations to address problems of overlap. In these regulations, OE could decide to adopt a more stringent policy against providing any services to handicapped students, although this could risk violating Section 504. Conversely, OE could decide to allow Title I programs to serve handicapped students pending resolution of the basic legal issues raised by overlapping target populations (see Winslow and Birman, 1979). To address the issues raised by overlap between the two target groups, federal policymakers must address issues at the root of Title I policy. When Title I was the only federal categorical education program it was relatively easy to distinguish between the student's "base program" and the supplemental additions to be provided by Title I.* With the advent of PL 94-142, Federal policymakers must determine what is considered a supplementary service for handicapped students who are also Title I eligibles.

But how do local educators implement the laws while awaiting their clarification? Given the complexities, ambiguities, and as yet unresolved legal issues that exist at the intersection of the two laws, as well as the actual overlap in target populations, administrators and teachers might be easily perplexed and confused in making decisions about how to provide services to students who are both handicapped and eligible for Title I services. This study was designed to investigate what teachers and administrators actually do for these children in the face of these ambiguities.

Anticipated Implications for Federal Policy

This study is intended to provide a window on local practice for federal policymakers. The study addressed the factors that affect provision of services to students who are eligible for services from

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*This ease is only relative because it took years of audit exceptions to define the meaning of supplementarity (Winslow, 1979).

Title I and PL 94-142. Information about whether and how local educators now provide dual services to students, in the midst of tremendous legal complexities and vaguely defined target populations, should help federal policymakers face the issues with which they will have to grapple in the months and years ahead.

An overview of the range and types of problems facing local educators in the provision of dual services will help policymakers assess whether clarifications within the current federal education program structures will be sufficient or whether the problems are so severe that more radical approaches must be considered. Federal categorical programs have developed with their own administrative arrangements, legal structures and standard operating procedures. Maintaining total independence of these may be less rational with the recent proliferation of categorical programs and with the increased probability that certain students will overlap categorical classifications. The extent to which this judgment is grounded in reality is one focus of this report.

Information on the problems facing local educators should also help federal policymakers make decisions on the future of the Title I program in an environment of proliferating categorical services. Many Title I regulations were formulated at a time when Title I was the only categorical program to be provided to school districts either from federal or state governments; thus, Title I no-supplant provisions were originally intended to define Title I's relationship to the base educational services being provided by school districts. But this environment has changed dramatically in the past few years. PL 94-142 affects all school districts in the nation. Bilingual programs and requirements (under Title VII, the Office of Civil Rights' Lau requirements, and state programs) affect a substantial number of districts. Emergency School Aid Act programs to facilitate desegregation are in operation in many districts. In addition, many states and many districts have categorical programs of their own. Title I must choose how its services will interact with these relative newcomers to the federal categorical scene. Whether Title I funds should be used to make up for the prospective underfunding of some of the categoricals, or whether the new programs should be used to address the needs of students who were formerly in Title I programs so that Title I can serve the needs of a greater number of eligible students, are choices that federal policymakers will have to address. The information in this report is intended to aid policymakers in making these choices.

This report on the overlap between Title I and PL 94-142 is only a first step. It raises the larger issue of overlap of Title I with other programs (e.g., minimum competency testing programs, bilingual education programs), and overlap among these other programs themselves (e.g., bilingual and handicapped programs). By raising the set of complex issues involved in the overlap between these two federal programs, we hope that this report will raise the sensitivity of federal policymakers to problems of overlap among the gamut of federal, state, and local education programs and provide the basis for future research on the implications of federal education policies for local educators.

II CONCEPTUAL FRAMEWORK AND RESEARCH DESIGN

Conceptual Framework

As mentioned in Chapter I, this study of the overlap between Title I and PL 94-142 services was aimed at two questions:

- To what extent is there a duplication of services to students who might be eligible for both programs?
- To what extent do procedures and rules used in the selection and provision of services to students result in limitations of the services that a student might be eligible to receive?

Federal interest in meeting the needs of students from overlapping target populations is relatively new. Consequently, our awareness of many issues related to this interest developed in the course of this study.

In this section, we will present the conceptual framework that is the foundation of the study. While parts of this framework were developed and clarified during the initial stages of field work (rather than being fully developed prior to going into the field), we present it here rather than at the conclusion of this report in order to orient the reader. First, we will describe the population of students to which this report is limited. Second, we will present some patterns of service delivery that might be provided to these students. Third, we will outline the set of factors that we believed, at the outset, would affect the choice of services for these students. Finally, we will discuss a related topic addressed by this report: the process by which students are identified for both programs.

The Students Who Are the Focus of the Study: Dually Identified Students

This study focused on the provision of services to students defined as dually identified, that is, students who are identified as both handicapped and eligible for Title I services.* A Title I eligible student is one who resides in a Title I eligible attendance area and has met the local eligibility requirement for participation in Title I programs. For the purposes of this study, a handicapped student is one who has been identified as such in accordance with the procedures set forth in PL 94-142.

Patterns of Service Delivery to Dually Identified Students

The major focus of this study was to determine how local educators decide to provide dually identified students with only Title I services, only special education services (funded in part by PL 94-142),† both, or neither. These service configurations are depicted in Figure 1.

Although the primary concern of this study was with the duplication of services to students (Box A), Figure 1 shows that there is a range of service combinations that might be provided.

Both Services--Box A in Figure 1 represents the case in which a student is provided services funded from both Title I and special education sources. We define a duplication of services as the case where a dually identified student receives essentially identical services from

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*The term "dually identified" is a convention adopted for this study. Identification has different implications for the two programs in that an identified handicapped child is entitled to services (if needed) whereas an identified Title I child (i.e., low-achiever in a school with high concentrations of children from low-income families) is only eligible for services. An eligible Title I child will be served only if selected for participation. Because the handicapped child has the stronger entitlement (see Kirp and Winslow, 1978), we focus on the handicapped child who is also eligible for Title I services under the LEA's normal criteria. The procedures by which students are initially identified as handicapped present a number of dilemmas that are addressed later in this report.

†As previously noted, unlike Title I, PL 94-142 sets forth a service standard with which states and localities must comply. Thus the term "special education services" is used to mean those required for compliance with PL 94-142's service standard irrespective of specific funding auspices (federal, state, or local).

RECEIVE TITLE I SERVICES

RECEIVE SPECIAL EDUCATION SERVICES (Funded Partly by PL 94-142)		YES	NO
	YES	BOTH SERVICES A	LIMITED: SPECIAL EDUCATION ONLY C
	NO	B LIMITED: TITLE I ONLY	D NEITHER SERVICE

FIGURE 1 SERVICE CONFIGURATIONS FOR DUALLY IDENTIFIED STUDENTS

both funding sources. The receipt of services from both funding sources does not necessarily constitute a duplication of services, however, because students might receive completely different services from each funding source. One goal of this study was to determine when the receipt of both services by a dually identified student constitutes a receipt of identical services and to describe those cases in which the receipt of both services might occur without duplication.

Limited Services: Title I or Special Education Only--Boxes B and C in Figure 1 depict the cases in which services for dually identified students are limited to either Title I or special education only. Limitations of service to dually identified students may make good sense to teachers and administrators. Limitation of Title I services to students with some types of handicapping conditions may occur because they cannot benefit from Title I services, or because the provision of both services to dually identified students may disrupt the educational experience of the other Title I students. Conversely, special education services to a child may be limited because the child's handicap is such that participation in a Title I program may be sufficient to meet his or her need.* Finally, a dually identified child may be limited to either Title I or special education services because participation in both could disrupt the flow of the student's program by pulling him or her out of the regular classroom for too many supplemental services. Limitations of service may be justified by school personnel (though not necessarily legally) on all of these grounds. However, some service limitations may be arbitrary; for instance, if a child's handicap is unrelated to Title I eligibility criteria, limitation to special education services may be difficult to justify.†

This study sought to highlight conditions under which districts and schools adopted policies, either explicit or implicit, that limited the range of services to dually identified students. We were interested in the explanations educators provided to justify these limitations and the implications of service limitations to students with different handicapping conditions. Information about such patterns can aid the federal government in regulating the conditions under which services for dually identified students may be limited.*

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*There may be a large pool of students with unidentified handicaps among Title I eligibles and participants. Whether this constitutes a problem for the child is unclear. From the perspective of a school district that is low in special education funds, Title I services may be adequate to meet the needs of students with mild handicaps. In cases where services are similar, the provision of Title I services to special education students may make sense educationally as well, and would avoid the adverse effects of "labeling" the student as handicapped (Hobbs, 1975).

†Beyond attending a Title I eligible school, Title I eligibility for an individual student is usually based on some measure of low academic achievement. If a student is orthopedically impaired and also is a low achiever, it might be unreasonable (and perhaps illegal) to exclude him or her from Title I remedial services solely because of the handicap. However, other physical handicaps may be linked to low achievement. For instance, a language problem requiring speech therapy may or may not have an impact on the child's school performance and learning. Furthermore, learning disabled or emotionally disturbed children are often low achievers as a direct result of their handicaps. Should these students be excluded from Title I services?

Neither Service--Box D in Figure 1 depicts cases in which students identified as handicapped and Title I eligible might be overlooked for both Title I and special education services. Such a situation might occur for a dually identified child who is waiting for special education services and who has not been chosen as a Title I participant. Although the states are legally obligated to provide special education and related services to handicapped students, the actual provision of services may not be immediate. Are these students systematically excluded from Title I while awaiting placement in a special education program?

Factors Affecting Patterns of Service Delivery

At the school level there are two factors that we hypothesized would determine the pattern of service delivery to dually identified students:

(1) The form of services provided by each program

(2) Explicit rules or policies that schools, districts, or states adopt to limit or allow dual services for dually identified students.

Both of these factors will be affected by the nature of the student's handicap.

The form of services provided by each program will affect which services are delivered to dually identified students. For example, in making decisions about service delivery, teachers and administrators presumably are less likely to provide services from both funding sources if the services from both sources are essentially similar (e.g., if both provide reading assistance in resource rooms), or if the provision of both services creates scheduling problems for the student.

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*A related issue is whether some dually identified students should receive Title I auxiliary services even if excluded from Title I academic services. For instance, although it may be logical to exclude severely handicapped students from Title I academic services, should they nevertheless be permitted to receive auxiliary services provided only to Title I participants?

The form in which special education services is delivered is closely related to the student's handicap. Students with mild speech or vision problems might receive the services of an itinerant resource teacher a few times per week or less. Students with mild learning handicaps might receive services in a resource room for up to a few hours each day. Students with more severe handicaps might be served in more self-contained environments. Thus, the type of handicap can influence whether a dually identified child receives both Title I and special education services. The study was limited to students with handicaps that could be served within the regular school context.

Some schools, districts, or states may have explicit rules or policies that determine whether dually identified students can receive multiple services. These rules could result from a scarcity of resources ("no child can receive two services until all students in need have received at least one"), or they could be the result of particular interpretations of federal regulations. For instance, Title I no-supplant rules may be interpreted to mean that handicapped students may not receive Title I services. It is also possible that schools' and districts' particular rules or policies depend on the nature of the child's handicap.

Figure 2 summarizes the framework that guided this study. We focused on the school-level decisionmaking process that determines whether a dually identified child receives either Title I services, special education services, both, or neither. We viewed the decision as a product of two school-level characteristics: the form of service (e.g., resource rooms, itinerant teachers or self-contained classrooms for handicapped students; resource rooms or in-class aides for Title I students) and the existence of a policy about providing dual services to students. These school-level characteristics are significantly affected by federal, state, or district rules regarding programs and by perceptions of federal policy about delivering dual services to students. Patterns of service delivery adopted by schools and districts will vary. The precise

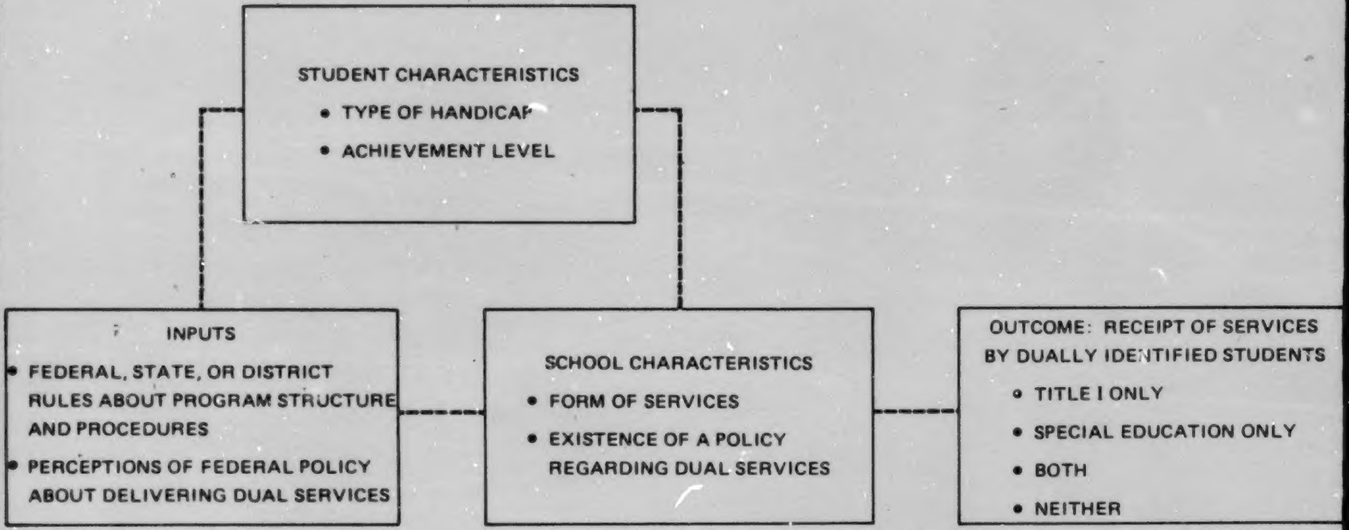
STUDENT CHARACTERISTICS
• TYPE OF HANDICAP
• ACHIEVEMENT LEVEL
INPUTS
• FEDERAL, STATE, OR DISTRICT RULES ABOUT PROGRAM STRUCTURE AND PROCEDURES
• PERCEPTIONS OF FEDERAL POLICY ABOUT DELIVERING DUAL SERVICES
SCHOOL CHARACTERISTICS
• FORM OF SERVICES
• EXISTENCE OF A POLICY REGARDING DUAL SERVICES
OUTCOME: RECEIPT OF SERVICES BY DUALLY IDENTIFIED STUDENTS
• TITLE I ONLY
• SPECIAL EDUCATION ONLY
• BOTH
• NEITHER

FIGURE 2 FACTORS THAT AFFECT SCHOOL-LEVEL DECISIONS TO PROVIDE SERVICES TO DUALLY IDENTIFIED STUDENTS

configuration of services provided to a dually identified student depends on the student's particular handicap and/or level of achievement, the district's (or school's) procedures to identify and provide services, and perceptions of the policies to which the district must adhere.

The Issue of Eligibility: Procedures Used in the Identification of Students

The main purpose of this study was to determine what services are provided to "dually identified" students. Thus, of necessity this study had to address the issue of how students are identified for the receipt of services. In addition to determining the patterns of service delivery to dually identified students, the study sought to determine whether there are some students who might be "dually eligible" but are either identified for only one program, or not identified at all.

For the purposes of this study, a "dually eligible" student is one whose characteristics warrant dual identification; theoretically, all dually eligible students should be dually identified. In addition to examining patterns of service delivery to dually identified students, this study explored the conditions under which dually eligible students might not be dually identified. For instance, under what conditions will a dually eligible student be "singly identified" as eligible for Title I but not as handicapped? Under what conditions will a dually eligible student be "singly identified" as handicapped but not as a Title I eligible and/or participant? Under what conditions will a dually eligible student not be identified as either handicapped or Title I eligible?

The study focused on patterns of service delivery to students who had already been "dually identified," but certain service delivery patterns might result from the identification process itself. For instance, conservative definitions of certain handicapping conditions could result in the nonidentification of certain students as handicapped and relegate a proportion of students to the population of Title I eligibles. While theoretically "dually eligible" according to some criteria, these students might be served in Title I programs if they were in Title I schools; however, they would receive neither service in non-Title I schools.

Research Design

The design of this study is characterized by: (1) a school-level focus on the impact of federal programs, and (2) an exploratory and descriptive rather than statistical emphasis.

Why a School-Based Approach?

Federal policymakers rarely examine in detail the implementation of federal programs at the school level. Yet the effectiveness of categorical programs depends on how they are implemented. Federal funds for categorical programs enter an already established school system with existing procedures for dealing with students and preconceptions of how different types of students should be identified and served. The literature on educational innovations contains numerous examples of changes that occur on paper but not in practice or that are translated into practice antithetical to the intent of innovations (Berman and McLaughlin, 1978). To be effective, attempts to change federal education laws or regulations must take into account typical patterns of implementation at the school level.

By focusing on school-level implementation, this study was limited to Title I and handicapped students who are served in regular schools. Most of the attention was on those handicapped students--for example, the learning disabled, mildly retarded, and emotionally disturbed--whose conditions would be most likely to result in achievement problems and who are usually served in resource rooms on a pull-out basis. We were most interested in students with these handicaps because of our expectation that their treatment would be most similar to the academic services likely to be provided in Title I programs. The study dealt peripherally with other handicapped students who are served in regular schools. In particular, we often inquired about services for (1) students with speech and vision impairments* who are often served by itinerant teachers on a pull-out basis, and (2) students with severe learning problems (trainable mentally retarded, severely emotionally disturbed students) who are often served in self-contained classrooms (at least 3-4 hours per day) in regular schools.

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*It is possible that delayed language development could underlie school failure and result in student referrals to special education or Title I programs. Reading problems and delayed language development could be highly related in both symptom and treatment; the distinction between these two phenomena may warrant future research efforts.

Why an Exploratory Study?

The overlap between federally funded education programs is a new area of investigation. As with all new areas of research, it often takes a study merely to refine a set of meaningful questions; too many studies skip this step and end up with reams of data only to discover that the wrong questions were asked. Therefore, the main purpose of this study was to identify the range of problems that schools face in providing service to dually identified children. The study is intended to provide a better understanding of the problems of overlap, their range and magnitude, rather than a complete or statistically accurate account of the nationwide incidence of particular overlap problems.

Issues

Issues of duplication or limitation of services are sensitive ones. We could not ask direct questions such as: Do you duplicate services to students with special needs in this school? Or, do you limit services to certain students who are identified or who might be eligible for them? Such questions could evoke either defensive or normative responses. Our aim was to compile detailed descriptions of both Title I and special education services from which we could determine the extent of duplication or limitation of services to students. We wanted to make independent judgments about overlap problems even in cases where the respondents might not perceive a problem. Therefore, before eliciting their opinions about overlap issues, the interview goal was to gather information from our respondents on two topics: (1) the process of student selection for both Title I and special education programs, and (2) the services provided by both Title I and special education programs (Appendix B lists the topics covered during the interviews).

The Process of Student Selection for Title I and Special Education Programs

In gathering detailed descriptions of the processes by which students are selected for both Title I and special education programs, we addressed the following questions:

- How are students identified for participation in each program?
- Under what conditions are students identified for participation in both programs simultaneously?

In addressing these questions we were interested in knowing (1) the extent to which students who might be eligible for Title I and special education programs are identified, and (2) whether similar types of students are identified by both programs. If similar students are identified we were interested in any rationale provided by school staff members for having two separate programs. If different types of students were identified, we were interested in how school personnel make distinctions between the types of students best served by each program.

The Services Provided by Both Title I and Special Education Programs

In asking about program services, we wanted to know:

- What are the similarities and differences between Title I and special education programs?

Our interest was in both the form and content of Title I and special education services. Our purpose in asking about program services was to have an accurate sense of what could be considered a duplication of services. We wanted to know the extent to which the receipt of both services could, in itself, be considered a duplication of services.

The Receipt of Title I and Special Education Services by Dually Identified Students

The third set of research issues pertains to students who have been identified as both handicapped and Title I eligible. We are interested in which dually identified students, if any, tend to receive both sets of services, and the rules or practices that govern this dual receipt of services:

- Under what conditions do dually identified students participate in both programs? (Do rules exist that limit student participation in both programs?)
- If a dually identified student receives services from both funding sources, do schools have mechanisms to avoid providing identical services to students?
- If a dually identified student receives services from both funding sources, do schools have mechanisms to avoid providing contradictory or confusing services to students?
- How do schools cope with the possible problem of program disruption for students who receive multiple services? (Do schools have rules or practices designed to avoid the disruption of student programs?)

Sample Selection

Interviews were conducted in six states. In two states, California and Tennessee, the interviews were conducted in person. In the four additional states, interviews were conducted by telephone. Table 1 enumerates the number of districts and schools visited in each state.

The study was designed to identify a variety of problems that arise in the administration of programs funded by Title I and PL 94-142. The purpose of the sample was not to be representative of national problems

Table 1

DESCRIPTIVE SUMMARY OF STUDY SAMPLE

State	Type of Interview	Number of Districts	Number of Schools
California	In-person	5	13
Tennessee	In-person	4	11
Oklahoma	Telephone	3	7
South Carolina	Telephone	3	6
Washington	Telephone	3	5
Wyoming	Telephone	4	13

but to maximize the number of different types of issues raised by the overlap between the two laws. States were chosen to maximize variability in the types of schools and districts along a number of dimensions that are thought to affect either the operation of Title I and PL 94-142 or their coordination. Table 2 summarizes the dimensions explored in choosing the six states for case studies. We were interested in a number of measures:

- Level of expenditures for special education in the state.
- Relative size of the poverty population in the state, as measured by the number of low-income students as a proportion of the total school enrollment in the state.
- Size of the state's Title I program, as measured by the proportion of the state's students enrolled in Title I programs.
- Level of services provided by Title I to participants in the state, as roughly measured by the average level of per pupil expenditures in Title I programs.

These measures were selected as rough indicators of the level of resources in each program and the extent to which the lack or abundance of resources might affect program coordination problems. Table 2 includes information on the recency of the state's special education law and figures from the Office of Education on the proportion of handicapped students served in Title I programs in 1975-76. We anticipated that states that were serving relatively large proportions of handicapped students in Title I programs prior to the implementation of PL 94-142 would highlight some particularly interesting issues of overlap.

Two contrasting states, California and Tennessee, were chosen for in-person interviews. California was chosen to provide examples of the types of overlap problems that might be encountered in a state with high spending levels for both special education and compensatory education programs. As shown in Table 2, California spent $839.73 per special education student in 1976. California also has one of the largest state compensatory education programs in the nation and a relatively low proportion of low-income students (14% of the total enrollment) and handicapped students. Title I programs are run jointly with the state

Table 2

CHARACTERISTICS OF THE SIX STATES CHOSEN FOR CASE STUDIES

State	Date of Special Education Law	State Contributions to Per Pupil Expenditures in Special Education 1976[*] (dollars)	Percent Handicapped 1976[†]	Per Pupil Expenditure in Title I Statewide 1976[‡] (dollars)	Percent Enrolled in Title I 1976[§]	Percent of Total Enrollment Who Are Low Income 1976[**]	Percent of Title I Students Who Are Handicapped 1976[††]
California	1978	$ 839.73	6.9	$384.00	8[‡‡]	14	6.4
Tennessee	1974	396.21	10.7	314.95	14	29	1.2
Oklahoma	1970	219.53	6.7	202.69	16	21	20.7
South Carolina	1977	337.58	10.6	233.24	22	33	7.5
Washington	1973	523.75	9.0	289.50	9	10	0.0
Wyoming	1969	1,107.65	7.1	576.93	4	11	14.9

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[*] Based on total special education appropriations divided by total handicapped aged 3-21. Source: State Profiles in Special Education, National Association of State Directors of Special Education (NASDSE), Washington, D.C., 1977.

[†] Based on total handicapped aged 6-21 divided by total enrollment. Sources: State Profiles in Special Education, NASDSE, 1977; Digest of Education Statistics, 1977 Edition, National Center for Education Statistics (NCES).

[‡] Based on total Title I allotment to local education agencies (LEAs) for FY 76 divided by total Title I participants (unduplicated count) in LEA programs. Sources: unpublished statistics from the Office of Education; State Title I Evaluations.

[§] Based on total Title I enrollment divided by total enrollment. Sources: State Title I Evaluations; Digest of Education Statistics, 1977 Edition, National Center for Education Statistics (NCES).

[**] Based on counts of children aged 5-17 in low-income families (as measured by the Orshansky Poverty Index) divided by total enrollment. Sources: "Fiscal Year 1976 Formula Children for Local Education Agencies," unpublished data from the Office of Education; Digest of Education Statistics, 1977 Edition, NCES.

[††] Figures calculated from unpublished Office of Education counts of the number of Title I participants who were provided special activities for the handicapped under Title I. These figures do not include students who received services through PL 89-313.

[‡‡] California did not have precise figures for number of students enrolled in Title I. This figure was estimated by dividing approximate per pupil expenditures by Title I allocations to derive an estimate of number of students enrolled in the Title I program. This number was then divided by the total school enrollment.

compensatory education programs and virtually all Title I eligibles are served through either state or federal sources. As a result of its high spending, California may be viewed as an example of the situation in which other states may find themselves if they increase their expenditures for either special education or compensatory education programs. Districts chosen for interviews in California were all part of the state's Master Plan for Special Education, a law similar in its major provisions to PL 94-142, which was implemented on a trial basis in selected districts prior to statewide implementation.

Tennessee was selected as a contrast to California because it is characterized by a relatively high proportion of low-income students (over twice the proportion as in California), a relatively high proportion of handicapped students (10.7% compared with 6.9% in California) and low funding levels for both compensatory education and special education programs. The state does not fund any compensatory education programs; all compensatory education funds come from federal Title I sources. Tennessee also is characterized by low funding levels in special education. Although the state passed its special education legislation in 1974, prior to PL 94-142, the appropriations for the state law were always a small fraction of the amount needed for compliance. In 1976, Tennessee spent only $396.21 per handicapped student (about half of California's expenditures). Tennessee also was chosen because of the relatively high proportion of students classified as having learning disabilities. Despite its low special education budget, in 1976-77 the state ranked 3rd in the nation in the proportion of learning disabled students served. We believed that learning disabled students might be most difficult to distinguish from Title I students and were therefore interested in how these distinctions were made in a state with a very high proportion of LD students. (In 1976-77, the LD count in Tennessee was bout 4% of the state's total school enrollment compared to a national average of about 1.6%.)

Telephone interviews were conducted in four states to supplement the in-depth case studies and site visits in California and Tennessee. These telephone interviews had two purposes: to gain some sense of whether the patterns discerned in California and Tennessee were similar in other states, and to uncover any additional issues of overlap.

Wyoming, Washington, South Carolina, and Oklahoma were chosen for their diversity on a number of dimensions. First, they represent different levels of state special education funding. Table 2 indicates that in 1976 Wyoming had state-level expenditures of $1,107.65 per handicapped child, while Oklahoma's contribution was $219.53 per handicapped child. Second, these states represent a wide range in the proportion of low-income students, from 10% in Washington to 33% in South Carolina. Third, Oklahoma and Wyoming in particular were chosen because of OE figures that indicate a relatively high proportion of Title I money going to handicapped students (this proportion does not include students served under PL 89-313). Fourth, the states represent a range in the proportion of handicapped students served in 1976, from a low of 6.7% in Oklahoma to a high to 10.6% in South Carolina. Finally, geographic diversity was considered in choosing the states for telephone interviews.

Data Collection

Data were collected through use of unstructured interview guides that were employed for in-person and telephone interviews with Title I and special education personnel on the state, district, and school levels. We usually talked to two state administrators: the director of Title I services and the special education director. Three to five districts were chosen to represent a cross section of urban, suburban, and rural areas in a state. Within each district, we visited or telephoned two to three schools. For comparison, we generally visited both a Title I and a non-Title I elementary school.* The third school in a district was either another Title I elementary school or a secondary school with Title I services, if available.

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*We wanted to explore the possibility that special education students in non-Title I schools bore a strong resemblance to Title I students in Title I schools. We reasoned that because handicapping conditions are more prevalent in low-income populations, special education classes in non-Title I schools might have fewer children with severe learning handicaps; they could serve students who might be served by Title I if that program were available. A second reason for conducting interviews in non-Title I schools was to assess whether these schools provided the same level of services to special education students.

In each school, a minimum of three people were interviewed. First, we talked to the principal to obtain information on the variety of programs available in the school, their size, and eligibility criteria. We then talked to Title I and special education teachers. These teachers described the two programs and their perceptions of any problems of coordination between programs. Finally, wherever possible, we interviewed at least one regular classroom teacher to clarify the basis on which a regular teacher referred or did not refer students to Title I or special education programs. Some interviews were held with individuals while others were group interviews. We also tried to observe Title I and special education classes in progress.

III CASE STUDY NUMBER 1: OVERLAP BETWEEN TITLE I AND PL 94-142 IN CALIFORNIA

This chapter presents the findings of our California interviews.* As mentioned in the last chapter, California is a state with relatively high funding in both compensatory and special education programs. It is possible that the issues raised by overlap in this state might be generalizable to states that have or anticipate similar funding patterns.

The findings of this chapter are presented in three sections: (1) the process of student selection for Title I and special education programs, (2) the services provided by both Title I and special education programs, and (3) the receipt of Title I and special education services by dually identified students. Conclusions are discussed with regard to the extent of duplication and limitation of services to students.

The Process of Student Selection for Title I and Special Education Programs

When asked to describe the procedures by which students are selected for participation in Title I and special education programs, one respondent summarized our major observation:

> The main difference between the two programs is the assessment process. (District's Special Education Director)

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*California's special education law has some unique characteristics that relate to the overlap between Title I and special education populations. While the state's Master Plan for Special Education bears a strong resemblance to PL 94-142, the state is moving away from distinguishing among the different types of mildly handicapped students. Learning disabled, mildly retarded, and emotionally disturbed students are no longer labeled separately. Instead, they all fall under the category of "learning handicapped," and are served together in resource rooms. We found this change in labeling rules to be one of form more than of substance. Interviewees repeatedly referred to certain students as ones who "would have been called EMR, LD, or ED but are now LH."

Selection procedures for the two programs differ markedly; the differences have major implications for identifying students and determining whether students who might be eligible for services are actually receiving them.

Title I law requires that student eligibility and participation in Title I programs conform to what we call a "screening model." This model is characterized by the identification of students from a larger set using specific and universally applied criteria. In the districts visited in California, student performance on achievement tests was the major criterion for determining student eligibility and participation in compensatory education programs (funded and administered jointly through Title I and the state's compensatory education law, SB 90). On rare occasions, the observations and judgments of regular classroom teachers were used to supplement tests score data. In California, because Title I funds are supplemented by state compensatory education funds, students who are eligible for a compensatory education program are almost automatically participants.

Student selection for special education programs follows a markedly different pattern; selection and participation in special education programs conform to what we call a "referral model." The first step of the process is a referral, usually by a classroom teacher, based on some problem that the teacher perceives in the student. Once a referral is made, the law requires an elaborate diagnosis procedure to determine the precise nature of the student's difficulty, whether a special education placement is warranted, and if so, what form the placement should take. This diagnosis procedure is much more complex than the procedure followed in Title I programs; more selection criteria are considered, more people are involved in the process, and more steps are required.

The process of student selection for Title I and special education programs comprises three stages: (1) identification, (2) diagnosis, and (3) placement. At each stage, differences between the two programs raised issues bearing on the overlap between the two programs.

Identification

At the identification stage, the major difference between Title I and special education programs is the important role of the teacher's judgment in referring students to a special education program. Because of the obvious significance of the teacher's judgment in the special education referral process, we thought it was important to examine the criteria used by teachers in deciding that a student should be referred to a special education setting, and how school staff members tend to distinguish between Title I and special education students. According to all of our respondents, it became resoundingly clear that Title I and special education students have one basic characteristic in common: low achievement, especially in reading.* Title I participants must be low-achievers by law; low achievement, especially in reading, also was perceived by all respondents as the major reason for referring students to special education services. Special education students, however, were described as having additional qualities. Respondents said that special education students were:

- Not able to grasp concepts in a group setting
- Low in social skills in a group setting
- Those with visual or auditory perception problems
- Behavior problems
- Kids who cannot work in the regular classroom.

Behavior problems were viewed as more common among special education students:

> A child's referral has to do with the ability of the regular teacher to cope with a child. (Special Education Teacher)

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*When asked to discuss differences between Title I and special education students, respondents tended to focus on special education students with mild learning handicaps. This emphasis coincided with our own as discussed in Chapter II. The comparisons between special education and Title I students in this section refer primarily to those special education students who, in California, fall under the rubric of "learning handicapped" and are usually served in resource rooms under California's Master Plan.

However, respondents emphasized that students were rarely referred for behavior problems per se. They were perceived to be linked with academic problems. As one special education teacher put it:

> Reading is the key to social problems.*

Basically, special education students were seen by school staff members as being different from Title I students in two ways:

- Special education students' academic and social problems were viewed as more severe than those of Title I students.
- Special education students were viewed as having multiple problems (academic and behavioral versus academic alone).

We hypothesized that, in addition to teachers' perceptions of differences between Title I and special education students, their perceptions of differences in the characteristics of the two programs might also determine which students they referred to special education settings. One teacher viewed the differences between the two programs as follows:

> Title I programs are correctional programs that help students who have missed something the first time around. The purpose of special education programs is to help students who have basic learning problems that impeded their acquisition of concepts.

Perhaps because Title I programs tended to provide shorter term assistance than special education programs, some teachers felt that the problems of Title I students were more amenable to short-term solutions than were the problems of special education students* (see section below on the services provided by both programs).

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*Interviews in a small number of junior high schools suggest that the link between behavior and academic problems may become stronger as the student gets older. The social and psychological implications of a reading problem, for instance, seem much more profound for a seventh grader than for a second grader: "The older a kid is, the harder it is to distinguish the cause of a handicap," i.e., whether it is a skills deficit, learning handicap, or an emotional problem (Junior High School Title I Teacher). The overlap between compensatory and special education may be particularly problematic in secondary schools (Larson, et al., 1977).

Finally, some respondents believed that special education students were not distinct from Title I students; the existence of the Title I program may reduce the number of students referred to special education programs. Some felt that many Title I students would be in special education programs if they were given the opportunity to be diagnosed:

- Title I students may never get a special education work up but they may have the same problems as special education students. (Teacher)
- Title I is there to take care of those students we don't have to declare as exceptional. (Special Education Director)

In one school, when we asked which services learning disabled students received, we were told:

> We serve them in our Title I program. (Vice Principal)

Diagnosis

The diagnosis for special education programs involves elaborate testing and observation of students as well as meetings of a number of school staff; the procedures are much more elaborate than those used to determine student eligibility for Title I programs. However, school staff in California seemed to have some difficulty defining precisely the criteria that would be used to place students. IQ tests are no longer used to determine placements for educable mentally retarded students.* We were not able to elicit precise criteria for defining learning disabled students beyond "discrepancies among subtest scores."†

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*In fact, we might speculate that the lower pupil/teacher ratio in special education programs is at the root of teachers' referral to these programs of students who need more individual attention; thus, the basis of such referrals might be in the structure of the program rather than in any inherent difference in the populations.

We were told repeatedly that once a student was referred to a special education program by a teacher, it was rare that the student was not found to be qualified. Respondents attributed this to the skill of teachers in diagnosing student problems:

- If you've worked long enough with kids, you don't need tests to recognize a kid with a disability. (Special Education Teacher)
- Teachers who have been in the business a long time can pick up areas of need. (Principal)
- Teacher opinion is better than any test. (Principal)

An alternative explanation was presented by one special education director, who believed that the criteria for special education program placements were so vague that:

- Anybody's mother-in-law could qualify if they wanted to.

The correct interpretation awaits more specific data about the types of evidence used to determine student eligibility--the gathering of concrete evidence on this topic was beyond the scope of our study.

Placement

The placement of students in either Title I or special education classes was problematic in some California districts. In a number of districts placement in Title I services was recommended on a student's individual education program (IEP). This practice caused a heated conflict in one school, where a special education resource teacher sent the math-related portions of a special education student's IEP to the Title I math resource teacher. The special education teacher, not having expertise in mathematics, expected the Title I teacher to implement the student's IEP. The Title I teacher believed that this behavior of the special education teacher constituted a "supplanting violation," because he thought that any services prescribed on a student's IEP should be considered part of the student's base program and not supplementary. This teacher knew that Title I services were to be provided "over and above" the base program and considered special education services to be base services.

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*While the case of Larry P. v. Riles is pending in the courts, California has a moratorium on intelligence testing. The plaintiffs claim that bias in the test instruments results in an over-representation of minority children in classes for the retarded.

†We did not have many interviews with psychologists, who would presumably be more specific about criteria.

The special education teacher in this case perceived herself as having the authority to orchestrate all services necessary for the special education child, regardless of funding source. This notion is in keeping with the Master Plan's emphasis on mainstreaming because reliance on existing services was seen as promoting the student's integration in the school. However, such use of non-special-education services may conflict with the requirements of Title I programs.*

This incident highlighted a more general criticism of the special education program by Title I staff members. In one district, the Title I director felt that all of the new Master Plan money was being spent on district-level diagnosticians and procedural safeguards rather than on direct services to students. Thus, the non-special-education personnel were being relied upon to provide Master Plan services. The Title I director in one district felt that the following described the attitude of special education personnel:

> Here's what's wrong. You (Title I) work with him, I'll tell you what's wrong and you do the work.

The Services Provided by Title I and Special Education Programs

A number of similarities existed in special education and Title I services in the schools we visited in California.

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*See the discussion of Title I provisions in Chapter I.

First, in both programs, services were most likely to be on pull-out basis.[*] Pull-outs for Title I and for itinerant special education services rarely lasted more than 45 minutes. If served in a resource room, the length of time that special education students spent there ranged from 1 to 2 hours per day, depending on the number and severity of the student's problems. In some schools the Title I program did not employ resource teachers; rather the program paid primarily for aides in classrooms (such a situation seemed most common in cases where a majority of students in the school were Title I participants). In some schools Title I (and SB 90) provided funds for both resource rooms and classroom aides.

A second similarity between the Title I and special education services was that both programs emphasized the acquisition of reading skills. The techniques used to teach reading sometimes differed; Title I teachers tended to use a remedial reading approach while special education teachers were more likely to use a perceptual-motor approach. However, this distinction was not universal; in a number of schools Title I teachers had adopted perceptual-motor techniques.

The similarities between the two programs were highlighted by two additional factors. First, a number of respondents thought that Title I and special education teachers had very similar skills:

> While they differ in their training, Title I and special education teachers are highly skilled in the same area: individual learning styles. (Principal)

Second, we found some instances of teachers from the two programs sharing materials and teaching techniques.

We conducted a very limited number of interviews in non-Title I schools. It was our impression that the special education services in non-Title I schools were more likely to resemble Title I services than special education programs in Title I schools. In non-Title I schools there seemed to be a greater emphasis on pulling students out of the class for short periods of time and using a remedial reading approach. Future research will have to determine whether this practice is common to many schools.*

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[*] The form of special education services depended on the child's handicap. Students with mild learning handicaps tended to be served in resource rooms; students with speech or vision problems tended to be served by itinerant teachers on a pull-out basis.

A major distinction between Title I and special education programs was their size. By law, teacher-student ratios in special education resource rooms has been limited to 25/1. There was no limit to the number of students who could be served in Title I resource rooms. Thus, special education classrooms were more characterized by students working alone or individual students working with a teacher; Title I classrooms were characterized by students working in groups. However, we found that many Title I teachers performed their own diagnoses on students to isolate their particular reading difficulties; placement in small groups often was based on individual diagnoses.

The two programs also differed in the length of time students spent in them. In general, special education students seemed more likely to remain in their programs longer than students remained in Title I programs. Title I programs were designed as short-term assistance. Some students stayed in them for a few weeks or months while others remained for a full year. The student's status in a Title I program was reevaluated each year. Periodic reevaluation was not a common practice for special education students, although this situation may be changing because PL 94-142 and California's Master Plan require annual reevaluations.

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*Special education programs in non-Title I schools may have resembled Title I programs because of the low number of special services in some non-Title I schools we visited. In at least one district we noticed that non-Title I schools did not have any special services other than special education. This situation was due to the way in which Title I comparability rules have been interpreted; all categorical programs must be placed in Title I schools before they can be placed in non-Title I schools. The result at one school was that special education services were the only additional services in a school that was a borderline non-Title I school. The special education services in this school were severely overburdened and perhaps dealt with the problem by serving greater numbers of students for shorter periods of time.

The Receipt of Title I and Special Education Services by Dually Identified Students

Some students in California schools do receive services funded by both Title I and special education programs. Table 3 estimates how many students receive both Title I and special education services in some of the schools we visited in California. These rough figures were compiled during the site visits from the record lists of Title I or special education teachers who kept information about their students' participation in other programs.

Table 3 indicates that the number of students being served by both programs varies considerably from school to school. Whether or not students received both special education and Title I services seemed to depend on two related factors: (1) the structure of the Title I program, and (2) school policy discouraging the receipt of both services.

We found that students were much more likely to receive both Title I and special education services when the Title I program provided in-class aides and special education services were in the form of resource rooms. Schools where both Title I and special education programs operated on a pull-out basis were less likely to have large numbers of students in both programs.

Neither the State of California nor the districts that we visited had any formal policy that discouraged students from receiving both Title I and special education services. One state-level administrator said that the only problem with Title I students also receiving special education services is that Title I guidelines are aimed at preventing segregation of Title I students; if segregation of Title I students were avoided, he thought, it would be perfectly legitimate for some students to receive both services.

Nevertheless, at some schools there was concern about students receiving both Title I and special education services and a few schools

Table 3

NUMBER OF STUDENTS RECEIVING TITLE I AND SPECIAL EDUCATION RESOURCE ROOM SERVICES IN NINE SCHOOLS IN CALIFORNIA

District	School Number	Type	Total Number in Spec Ed Resource Program	Unduplicated Count of Total Title I/ State Comp Ed (SB90) Participants	Number of Students in Both Programs	Percent of Spec Ed Also in Title I or State Comp Ed (SB90)	Percent of Title I/State Comp Ed (SB90) Participants Also in Spec Ed
1	1	E	40	332	37	93	11
	2	E	60	401	39	65	10
	3	E	62	447	33	53	7
	4	E	78	347	54	69	16
2	1	E	30	269*	4	13	1*
	2	E	30	83*	4	13	5*
3	1	E	30	181	25*	83*	14*
	2	JH	80	259	15*	19*	6*
4	1	E	48	219	48*	90-100*	22

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*Estimate provided by Title I or special education teacher; other figures are from teacher or school records.

Notes: E = elementary; JH = junior high school; Spec Ed = special education; Comp Ed = compensatory education.

had adopted informal policies limiting the numbers of students who might receive multiple services. For instance, some schools had rules that limited students to participation in no more than two special programs.* If a student qualified for more than two programs, the regular teacher decided which two programs were "most needed" by the student.

Policies that discourage the receipt of both services to dually identified students were intended to:

- Provide one service to a larger number of students before providing double services to a subset of students.
- Avoid the disruption of students' programs.

Because disruption of programs tended to result from multiple pull-outs, policies to discourage the receipt of multiple services were most common in schools where both Title I and special education programs were operated on a pull-out basis. Despite informal policies to avoid disruption of student programs, we found some instances of this problem. For example:

> In one school a child approached his classroom teacher and said, 'If you've got me going 20 minutes here and 30 minutes there, how do you expect me to get my classroom work done?'
>
> In another school, one fourth grade girl felt that she didn't need both Title I and special education services; she herself negotiated her withdrawal from the Title I program.

In some schools the School Appraisal Team† was responsible for preventing the disruption of student programs. But this function did not seem to be performed routinely in all schools or even within schools for all students who might be affected.

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*Because of the plethora of state and federal programs for which students in California schools qualify, some schools house multiple programs. We encountered one school whose principal reported having sixteen special programs.

†According to California's Master Plan, each school has a School Appraisal Team which is responsible for review and decisions on eligibility, individualized education programs, and placement of students in special education programs.

We did not find any cases in which students who were receiving multiple services were receiving identical services from both special education and Title I programs. In schools where programs differed in structure, the most common combination of services was assistance from Title I aides in the regular classroom and a pull-out for extra assistance in the special education resource room.

The use of Title I aides in regular classrooms to assist students who also receive special education services was viewed as important for the mainstreaming of special education students:

> In placing a student out of special education, we will look for a classroom with a Title I aide. (Special Education Teacher)

This policy seemed just as likely to apply to students whose time in a resource room was being reduced as to those who might be leaving special education settings entirely. One special education teacher put it this way:

> We couldn't mainstream without Title I aides. Without Title I, mainstreaming wouldn't work. Without Title I, special education students would continue to be clowns in their classes.

Thus, Title I aides are seen as providing the individual help in regular classrooms that is needed to make mainstreaming work.

Even where both programs were on a pull-out basis the services provided for students who received both were not identical. Title I and special education teachers tended to coordinate services and divide the labor;* special education placement meetings were sometimes used to coordinate service arrangements. For example, Title I might provide math for some students, while special education programs wouid focus on reading skills; for some students Title I and special education would focus on different reading skills.

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*While a division of labor between Title I and special education teachers avoided providing identical services to students, we have no information about whether the services provided by the two programs were designed to be compatible. This would constitute a useful question for future research.

In addition to patterns of simultaneous coordination between the two programs, it was even more common to find patterns of sequential coordination between the two programs. For instance, in a number of schools we found that students were likely to be referred to special education programs at the end of the year, after the student had already attempted the Title I program:

> When the Title I resource teacher has had it, he/she turns to the special education resource teacher. (Special Education Teacher)
>
> Title I is a step in the process to special education. (Special Education Teacher)

One reason for this sequence was the complexity of the special education referral process; we were told that, at times, schools prefer to try Title I first in order to avoid the time-consuming special education placement process.

Summary and Discussion of Major Findings in California

We have examined the processes by which both Title I and special education programs determine student eligibility and participation. Also, we have compared the services provided by programs funded by Title I and PL 94-142 for students with mild learning handicaps, and explored the ways in which the two programs are coordinated in the schools. The ultimate goal of our attention to these processes was to address two questions:

- Is there duplication of services provided by Title I and special education programs to dually identified students?
- Is there any limitation of services to dually identified students?

Based on our California findings, we will address each of these questions in turn.

Is There Duplication of Services Provided by Title I and Special Education Programs to Dually Identified Students?

Although there were some students in the schools we visited who received services funded by both Title I and special education programs, the duplication of services did not appear to be a major problem for students. First, in some schools services differed in form and both services were provided only to students who were perceived as having more severe learning problems. Students in such schools were viewed as falling along a continuum; students with some learning needs received assistance in the form of in-class aides funded by Title I; dually identified students with more severe learning needs received additional help through the special education resource room.* Second, schools where both services were similar in form tended to have informal policies that discouraged participation in both programs. Third, when students did receive both services, teachers tended to coordinate their efforts in order to avoid duplication.

The participation of students in more than one program did raise problems other than duplication of services, such as the disruption of student programs. This problem may be exacerbated in a state like California with its abundance of categorical programs. Problems of program disruption were pressing in California schools because of interpretations of Title I no-supplant provisions. As they were interpreted in some of the California districts we visited, Title I no-supplant rules meant that all State or Federal categorical education programs had to be placed in Title I schools before they were placed in non-Title I schools. In at least one district, this interpretation resulted in a severe contrast between the Title I schools, in which numerous categorical programs were housed, and the non-Title I schools, which were often limited to a minimum of categorical assistance. Ironically, in this district, the non-Title I schools were not radically different from the Title I schools in social composition; some of the non-Title I schools were just above the poverty cutoff for Title I assistance, but nevertheless had radically fewer forms of categorical assistance. While student programs may be disrupted in the Title I schools, some similar non-Title I schools may be plagued with a lack of adequate resources.

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*Students with very severe learning problems were in a more self-contained environment and tended not to receive Title I services.

Is There Any Limitation of Services to Dually Identified Students?

In some cases, Title I services are not provided to dually identified students. In schools with informal policies to discourage receipt of double services, a Title I student who has a mild learning handicap may not receive Title I services. Students receiving speech or vision services tended not to be cut off from Title I services. Students with severe learning handicaps that require a more restrictive placement, even if they are in a self-contained class in a regular school, uniformly do not receive Title I services. These policies are justified by the view that special education replaces the "base program" for a student; in this view, special education students should have all of their academic needs provided by the special education department. Another justification for limiting Title I services to special education students was that if some students receive both Title I and special education services, other Title I eligible students might not receive even one supplementary service.

The Issue of Eligibility

While school policies sometimes limit the receipt of Title I services by students who are identified as handicapped, Title I participants may not receive special education services for which they might be eligible. The number of Title I students who do not receive special education services is masked by the way in which students are chosen to receive special education services.

The extent of dual eligibility is unknown because there is no mass screening of students for special education services. It is possible that many students receiving Title I services, if screened, would be diagnosed as having a mild handicap (particularly a learning disability). Many special education students may remain in only Title I classes because of identification systems that are not systematic and may rely too heavily on teacher diagnosis. Some students who may benefit from special education services may never be tested because they are not referred for testing by the teacher. For instance, our impression was that certain students who might have mild handicaps are not referred because they do not create discipline problems for the teacher or because teachers wish to avoid paperwork and the IEP process. Of course, mildly handicapped students who remain in Title I classes may receive services that are adequate for their needs, especially if the services provided for their handicap are similar to those provided in Title I classes. (These students also would avoid the possible disadvantage of being labeled as "handicapped.")* However, there is a good possibility that students who remain in Title I classes and who are handicapped may be deprived of some services geared to their handicapping conditions.

Another form of service limitation is inherent in the Title I system: low achievers in non-Title I schools are not eligible for Title I services. Thus, in a non-Title I school, the only special service is often a program for learning handicaps. The probability of a low achiever being identified as handicapped may therefore be greater in a non-Title I school than in a Title I school where compensatory services are available. Thus, whether or not a student is in a Title I school may affect his or her chances for being identified as "handicapped." This situation might be inequitable in districts where Title I and non-Title I schools do not differ to a great extent.

Final Comments

Our interviews in California raised some fundamental issues that we did not anticipate.

First, we were led to question whether Title I and special education programs for students with mild learning handicaps were geared to two distinct populations of eligible students. The same student may be either Title I or special education depending on the school attended or the referring teacher. Sequential coordination arrangements make it clear that the same student might be considered a Title I student, or "handicapped," depending on the time of year. Thus, the boundaries between the two populations seem flexible and shifting, and often depend on factors unrelated to the student.

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*The negative effects of labeling students are summarized in Hobbs, 1975.

Second, the existence of both programs sometimes resulted in a variety of tensions between the two programs on the school level. In California the Title I staff seemed to resent the special education programs. They were perceived as placing more emphasis on the diagnosis of students than on providing expanded services. Some Title I staff felt that special education programs relied too heavily on existing school services, such as Title I, for service delivery.

The tensions between the Title I and special education staffs raised the larger issue of whether both Title I and special education provide "supplementary" services. In general, schools view special education services as replacing the student's base regular program. While this may make sense for students with severe handicaps, it may not for students with mild handicaps. Reliance on non-special education services fits the PL 94-142 emphasis of placing students with handicaps in "least restrictive environments." However, Title I personnel sometimes balk at serving students who have been identified as handicapped; they raise supplanting issues and their desire to serve more Title I eligibles. The increased emphasis on least restrictive environments is placing some new burdens on non-special education services. The tension between the push towards least restrictive environments and the desire of Title I personnel to expand services to previously unserved eligibles needs to be addressed by federal policymakers.*

Third, our examination of the process of student referral to special education programs in California highlighted a number of possible problems with the heavy reliance on teacher referrals in the initial identification of students for these programs. First, some students may be overlooked by the teacher referral system. Research evidence indicates that while teachers are accurate in their identification of students as handicapped, they fail to identify all children who have handicaps (Lambert, 1963; Hartsough et al., 1977). Second, the teacher referral system may identify and label some students as handicapped who are not.

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*Hopefully, some of these issues will be addressed in new Title I regulations on overlap which are scheduled to be issued shortly.

Our interviews on California suggested that students who are causing classroom disruptions may be more likely than others to be referred by teachers. While teachers may be fairly accurate in picking out students who need some sort of special help, that does not mean that the student has a "handicapping condition." (Some of the possible problems in reliance on teacher identification are discussed in Craig et al., 1977.)

The possible misidentification of students as handicapped by teachers is likely to have an impact on students because teacher referrals rarely seem to be reversed during subsequent steps in the placement process; it was our observation that once a student is referred for special education it is unusual to find the student rejected from special education services (see also Johnson, 1976). We speculate that part of the reason for this is that the criteria for determining whether a child has certain handicapping conditions are often vague, confusing, and open to interpretation. Meetings to assess, diagnose, and place students are designed to ensure that arbitrary decisions are not made about students at the whim of a teacher or administrator who wants to "get rid of" an unruly or problem child. However, given vague rules for the diagnosis of mild handicaps, a School Assessment Team meeting might simply result in "placement by consensus." While the student may be protected from misidentification at the whim of one person, he/she is not protected from commonly accepted "definitions of the situation" held by all school staff members. In the absence of specific and universally applicable criteria for milder handicaps, some students may continue to be labeled as handicapped because their behavior does not conform to the norm.

IV CASE STUDY NUMBER 2: OVERLAP BETWEEN TITLE I AND PL 94-142 IN TENNESSEE

This chapter presents the findings of interviews conducted in four Tennessee school districts. Tennessee was chosen as the second state in which we would conduct in-depth interviews because funding for education in the state is relatively low. There is no state compensatory education program so the state must rely exclusively on Title I funds for educational assistance to disadvantaged students. Also, funding for special education services to handicapped students in the state is relatively low. We heard numerous comments like this one:

> The state passed a great special education law and then forgot to fund it. (Principal)

As in the preceding chapter on California findings, we will present our observations about the overlap between Title I and special education services in three sections: (1) the process of student selection for Title I and special education programs, (2) the services provided by both Title I and special education programs, and (3) the receipt of Title I and special education services by dually identified students.

The Process of Student Selection for Title I and Special Education Programs

Identification

The process of identifying students for special education programs in the districts visited in Tennessee resembled the referral model used in California (see Chapter III). In both states, the first step for any student to be admitted to a special education program was a referral, usually by a classroom teacher.

Selection of students for Title I programs relied much more heavily on the input of classroom teachers in Tennessee than in

California. Achievement test scores were used, however, and teacher judgments were said to be "objective" assessments such as teacher-made tests or systematic and documented observations.

It seemed that selection for Title I programs was more dependent on the judgments of regular classroom teachers in Tennessee than in California for two reasons. First, according to our respondents, achievement tests were conducted less frequently in some Tennessee districts than in California districts. In one district, testing was conducted only once every three years. Second, because of the lack of state compensatory education funds, Title I programs could not serve all eligible students as they did in California, despite generally lower eligibility cutoffs. Teacher judgment was used to select participants among the Title I eligibles.

Although teachers tended to select for Title I participation students who were academically more "in need" than other Title I eligibles, additional criteria were used. For instance, in one district Title I students were selected on the basis of those who would be most likely to "benefit from" the program. In this way, teachers tended not to choose students who were chronic absentees, or students who had failed to improve their performance in a Title I program in the past.

Teacher perceptions of the differences between Title I and special education students might be expected to affect which students would be referred to each service; these perceptions might have greater impact in Tennessee than in California because teachers' judgments are a first step in both programs. Respondents had differing views about the efficacy of teacher judgments in selecting appropriate students for both programs. One Title I reading teacher thought that teacher judgments were unreliable because: (1) many students who deserved Title I services were not referred, and (2) too many students were referred to Title I programs for behavior problems rather than academic problems. Other respondents had great faith in teachers' ability to identify students with learning handicaps. As one respondent put it:

> The classroom teacher is the best diagnostician. If she says it [that a child is handicapped] then that's what you'll find.

Teachers and other school staff members tended to see two main differences between Title I students and special education students. Special education students were viewed as having more severe academic problems and different types of problems, such as difficulties with perception or discipline.* Despite these perceived differences, Title I and special education students were not viewed as two completely distinct populations:

> There is no distinction between the lowest Title I and the special education student. (Teacher)

Our interviews in non-Title I schools highlighted the sense that, at times, Title I students are hard to distinguish from special education students. The principal of a non-Title I school told us that if she had a remedial reading teacher at her disposal, she could:

> Pull some kids out of special education and still serve them and get them up to grade level.

In this non-Title I school, both the principal and the special education teacher felt that low reading achievement was the main problem for special education students. The two non-Title I principals interviewed both felt that they could use a remedial reading teacher. Because non-Title I schools in Tennessee tend not to have remedial reading services, it may be that some students who are merely behind in their reading participate in special education programs in non-Title I schools.†

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*As in California, we were told that academic problems were the cause of discipline problems and vice versa.

†This would only occur if diagnosis procedures were so vague as to allow some students who were "just behind" to be admitted to special education programs. This seems to be the case in Tennessee, as discussed in the next section of this chapter.

In Tennessee, we found some limits to the identification of students for special education services. First, teachers seemed reluctant to refer students to special education programs because there was very little space for additional students. We were told that in the past there were waiting lists for special education programs. Since the passage of the state's special education law made waiting lists illegal, however, the class size limits for special education classes had been removed. Apparently some special education classes were becoming severely overcrowded as an unintended consequence of the special education law. The result is that some mildly handicapped students may not be referred for special education services; instead, some may be served in Title I reading classes.

A second factor seemed to limit referrals for special education services in Tennessee; school staff members viewed special education resource rooms as services for the retarded. A few respondents told us that students with learning disabilities felt bad about being in resource rooms; some teachers thought it hurt the self-concept of a learning disabled student to be in a resource room with "retarded" students. In one school, there was such a stigma associated with the special education resource room that teachers and students called it "the box." As a result of this reluctance to refer students to special education classes, some learning disabled students may not receive special education services, although some may receive services from Title I funds.

The reluctance of teachers to refer students to special education resource rooms, either because of overcrowding or the stigma associated with such a referral, led one district Title I director to acknowledge that:

> Many unidentified special education students are in Title I.

Diagnosis

The "diagnosis" of students for Title I programs in Tennessee is more complex than it was in California because teacher judgments are an important adjunct to student test scores. We have already discussed criteria used by teachers to identify students for Title I services. Beyond this identification, Title I programs do not have an elaborate diagnosis procedure.

Diagnosis of students for special education services is mandated by law and is a complex procedure. Ambiguous operational definitions of handicapping conditions were perceived as even a greater problem in Tennessee than in California. In addition to the usual problems of diagnosing educable mentally retarded, learning disabled and emotionally disturbed students, mild learning handicaps in Tennessee also included a condition labeled "learning problems." According to the Tennessee education code.

> A child who exhibits deficiencies in the basic academic areas of reading, writing, spelling, and arithmetic and is unable to cope with classroom instruction appropriate to his age but who is functioning socially at or near a level appropriate to his chronological age is considered to have learning problems. (Tennessee State Board of Education, 1977.)

The criteria for determining students with learning problems are:

- Social adaptive skills are in accordance with or approximate to the child's chronological age but he is academically progressing at no more than one-half of the normal rate for his age.
- Problems resulting from a visual, hearing, or motor handicap, mental retardation, or emotional disturbance, have been excluded as the basis of the discrepancy.

Students with learning problems are not students with learning disabilities; criteria for determining learning disabilities are much more specific.* We were told by some respondents that the learning problem category was for students who were academically behind but a cause of low achievement could not be specified. The vague criteria that defined students with learning problems made it difficult for us to distinguish them from Title I students.*

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*For federal counting purposes, students with "learning problems" in Tennessee are counted as learning disabled. Thus, Tennessee ranked third in the nation in the proportion of learning disability students identified and served in 1976-77. This ranking was one factor that led us to conduct interviews in Tennessee.

Placement

In at least one district, Title I administrators took steps to minimize the strength of teacher judgment on placement in Title I programs. While teachers identified students in all districts visited, in at least one district principals and/or the Title I director reviewed lists of all students to minimize bias in teacher selection of students. Particular attention was paid to low achievers who were not referred in order to make sure that referrals were not limited to students with behavior problems.

We were told that placement in special education programs almost always occurs once a student has been referred for special education services. As in California, some respondents thought this was an indicator of the accuracy with which teachers identified students who needed assistance. However, the ambiguities inherent in the diagnosis of special education students, especially those with learning problems, could account for respondents' perceptions that few students were rejected from special education settings once referred.

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*The ambiguity of the learning problem category has also caused some problems for special education people in the state. Following passage of the Tennessee special education law, all school personnel anticipated a great influx of funding for special education students. As a result, referral in the category of learning problems increased dramatically; when the funding was not forthcoming, some districts ended up with a huge backlog of referrals and not enough staff to process them. This backlog has continued to the present in some places. In one large district, all backlogged referrals for this handicapping condition were discarded this year; the district decided to begin again rather than try to cope with the backlog. Recently, there have been some moves to eliminate learning problems as a handicapping condition.

The Services Provided by Title I and Special Education Programs

Title I programs often provide services that resemble special education services. For instance, Title I programs in the early grades in two districts visited focused on perceptual-motor development--an approach that is often used for learning disability students. In one district, Title I ran a "personal learning lab" to address the emotional and psychological problems of students receiving academic services from other Title I components.* These labs focused on students who were truants, had poor self-concepts, poor study habits, or social problems.

With regard to the academic services provided by both Title I and special education resource rooms, a state-level Title I person thought that:

> Special education people do remedial work just like Title I.

Other respondents, however, believed there were differences:

> Special education services deal with the cause (of a student's problems) while Title I deals with remediation.

In general, the academic services provided in Title I programs did tend to differ from those provided by special education programs. Students receiving special education services seemed to spend more time per week in special education classes than did Title I students. Service in special education resource rooms may range from 1/2 to 4 hours per day. We were told that the average stay in a special education resource room was 1-1/2 hours per day. Title I students received assistance from aides in classrooms or they were pulled out every other day for 30-45 minutes.

Title I programs were beginning to resemble special education programs in their increased reliance on individualized learning plans for each Title I student. Each district we visited either had individualized plans for Title I students or they were beginning to implement them.

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*As in other states, only a very low proportion of Tennessee's school-age population is identified as emotionally disturbed; in at least this one district, psychological assistance through Title I might be serving students who might otherwise be labeled as emotionally disturbed.

The Receipt of Title I and Special Education Services by Dually Identified Students

The rules governing whether one child can receive services funded by both Title I and PL 94-142 seem to have shifted in Tennessee over the past few years.* In at least one district visited:

> Until two years ago, every special education student was also Title I (district administrator).

We were told that two years ago, the Title I administrators at the State Department of Education "cracked down"; they ruled that no child who was certified as in need of special education services could receive Title I services.

One state-level Title I administrator thought that the state's position has softened regarding the receipt of two sets of services by some students. According to this respondent, special education students could legally receive Title I services if (1) special education funding to provide services to handicapped students were inadequate, then Title I could supplement special education services, or (2) a special education component were written into a district's Title I application. This state administrator informed us that Title I services definitely could _not_ be provided if these services were recommended on a student's IEP.

While the state acknowledged a set of conditions under which it was possible for some students to receive both Title I and special education services, school and district administrators in three of the four districts we visited were still under the impression that the receipt of both services by the same student was illegal. As a result, we came across the following types of situations:

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*Federal, state, and local rule interpretations seem to have shifted a good deal in recent years. Ambiguities in federal laws and policies were discussed in Chapter I. These shifts and ambiguities have resulted in a high degree of local confusion not only in Tennessee, but in other states as well (see Chapter V).

- In some schools or districts, students who were certified as having a non-academic handicap--i.e., mild speech or vision impairment--could not receive reading assistance from Title I.
- In some schools or districts, students who were certified as having a learning handicap but who were awaiting placement could not continue to receive Title I services until they were placed.
- Students who were certified as handicapped could not receive health or counseling services provided to Title I students.
- Students who were certified as handicapped were not allowed to attend Title I summer schools, sometimes the only summer school in a district.

These and similar situations were widely viewed as inequitable by school staff members. In one school, plans were being made to coordinate Title I and special education services so that the next year students with physical handicaps who were being served at the school would receive assistance relevant to their physical handicap from the special education teacher, and reading assistance from the Title I teacher.

A number of individuals broke or bent the rules in order to provide both sets of services to some students. One principal who was serving her first year at a new school said she allowed special education students to be helped by Title I aides, and to be served by Title I pull-out services:

> This year I played dumb and pretended not to know about the rules [which prohibited a student from receiving both sets of services]. I don't know what excuse I will use next year.

Teachers in other schools also told us that they ignored rules that would force them to deprive special education students of assistance from Title I aides. We were told that in some cases school staff would have to evaluate services from which a student could most benefit--remedial reading from Title I or a special education service (i.e., speech). If they felt the student needed reading help more, they would not even refer the student to special education programs. Furthermore, one special education director felt that it was justified to bend the rules in order to provide appropriate services to students. As she put it:

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> It's better to get forgiveness than permission.

As we left an interview with one special education teacher, she said:

> I wish we could overlap more; I hope you can get us our overlapping.

Some respondents did see at least one advantage to not providing both services to dually identified students. Their views were reflected in the following question:

> How many times can a kid be pulled out and still be mainstreamed? (District Title I Coordinator)

The advantages of maintaining rigid separation of program populations, however, were articulated far less frequently than the advantages of greater coordination between the program services for dually identified students. While districts did perceive rules to prevent students from receiving both Title I and special education services simultaneously, many respondents did see the programs as linked sequentially. Title I services were viewed as both a "first step" to special education programs and as a way to provide special education students with some extra help as they returned to the regular classroom setting.*

Summary and Discussion of Major Findings in Tennessee

The goals of this study were to address the following two questions:

- Is there a duplication of services provided by Title I and special education programs to dually identified students?
- Is there any limitation of services to dually identified students?

This section will address each question based on our observations in Tennessee.

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*At least one respondent felt that this was an illegitimate use of Title I service because special education students presumably would not need any supplementary services if they were qualified to leave a special education setting.

Is There a Duplication of Services Provided by Title I and Special Education Programs to Dually Identified Students?

In three of the four districts visited in Tennessee, school people were under the impression that students who were certified* as special education students could not also receive Title I services. In these districts there was no student who was officially receiving services funded by both programs. Unofficially, a very small number of students received services funded by both programs, but such cases were rare. We did not hear of any (1) cases in which students were receiving identical or even similar services, or (2) complaints about disruption of student programs due to the receipt of multiple services.

In the fourth district we visited, there were some cases in which students did receive services funded by both Title I and special education programs. Here, services were coordinated so that, for instance, students received reading instruction from their special education teacher and mathematics instruction from the Title I teacher.

Is There Any Limitation of Services to Dually Identified Students?

The limitation of services to dually identified students took a variety of forms in Tennessee. First, because many schools were maintaining strict separation of the two program populations, some students who were certified as mildly handicapped could not receive Title I services even though they may have been eligible for them and were not yet receiving special education services. In some cases, even students who were receiving speech or vision services were not allowed to receive Title I services. Second, students who were in self-contained special education classes were routinely excluded from Title I services.

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*According to Tennessee's education code:

> 'Certified' means that an appropriate specialist, as designated for each of the categories of handicapping conditions, has confirmed that a child has a disability. 'Verified' means that a child has been certified as having a disability, has had an individual assessment, has been staffed and has an individualized education program developed by an M-Team. 'Multidisciplinary Team' (M-Team) means a minimum of three appropriate professional personnel, in addition to the parents of the child and the child when appropriate, whose function is to examine and evaluate all data relevant to making a decision about the special needs of the child. An individual educational program (I.E.P.) for the child including recommended placement shall be developed by the M-Team. (Tennessee State Board of Education, 1977, pp. 77-78)

Thus, a child who is certified has been identified as handicapped but may not yet be receiving special education services.

The Issue of Eligibility

Some students who were receiving Title I services may be eligible for special education services. Receipt of special education services by students depended on referral from a classroom teacher. We found that some teachers hesitated to refer students to special education services because they were overcrowded and there was such stigma associated with them. There may be a number of students, some receiving Title I services, who are eligible for special education services but are not identified; as long as referrals are based solely on recommendations of classroom teachers the number of students with unidentified handicaps may remain unknown. One respondent felt that:

> If students were screened and given help early they wouldn't end up in special education; their problems wouldn't become so serious. (Principal)

Finally, our impression was that a student's chances of receiving special education services may partly depend on which school the student attends; a student who is considered a likely candidate for special education in one school may not be in another school. Whether a student is referred to special education services could depend on (1) the overall achievement level of students in his school, or (2) the existence of other services, such as Title I services in the school. Low-achieving students in schools where the average achievement level is high may be more likely to be referred to special education services than similar students in a school with a low achievement level; thus, the second student may not receive special education services to which he might be entitled. Students in non-Title I schools may be denied some form of remedial services and be unnecessarily labeled as handicapped.

V TELEPHONE CASE STUDIES: WYOMING, WASHINGTON, SOUTH CAROLINA, AND OKLAHOMA

In this chapter, we present the issues of overlap that arose in the course of telephone interviews in four states: Wyoming, Washington, South Carolina, and Oklahoma. The purpose of these telephone interviews was to assess the extent to which the patterns and problems found in California and Tennessee were repeated in other states. As in the past two chapters, this chapter will describe issues in three areas: (1) the process of student selection for Title I and special education programs, (2) the services provided by both Title I and special education programs, and (3) the receipt of Title I and special education services by dually identified students. We will then discuss the implications of our descriptions for the two major foci of the study: duplication and limitation of services to students.

The Process of Student Selection for Title I and Special Education Programs

In California and Tennessee the process of student selection for special education programs depended on referrals from classroom teachers. In Tennessee, Title I admissions were also partially dependent on teacher judgments. We therefore tried to identify the characteristics teachers use to distinguish between the mildly handicapped and Title I students.

In all four of the states in which we conducted telephone interviews, teacher referrals were generally the first step in a special education placement; teacher judgments were also important for the placement of students in Title I programs in the four states. We assume that teachers' impressions of the differences between students who belong in Title I and those in special education programs could partly determine whether a student who was having difficulties in school was placed in one or the other program.

School staff members did feel that there were differences between the types of students who were receiving services from each of the two programs and the students who they would tend to refer to each of the programs. Special education students were seen as having problems that were more "severe" than those of Title I students. Their achievement was viewed as much lower than the achievement of Title I students. Special education students were sometimes seen as more likely to have discipline problems, to have shorter attention spans, and to be more "distractible" than Title I students. Students referred to special education were perceived to have more specific learning impairments such as perceptual or auditory problems. The following quotes are illustrative of the differences between Title I and special education students as perceived by school staff members in the four states:

> Title I students have a developmental problem (are slower in their development) while special education students have a 'real disability.' (Teacher, Wyoming)
>
> Title I kids are low in reading. But if a child has a hard time figuring out how to get out of the rain, then he needs special education. (Title I Teacher, Oklahoma)
>
> The main difference between the two groups is that special education students have an overall problem while Title I students have problems with one or two skill areas. (Special Education Teacher, South Carolina)
>
> Title I kids are much more able to cope with change and still learn; special education kids can't. (Title I Teacher, South Carolina)

We often heard that special education students had an "inability to work in large groups" and needed much more "individual" attention than Title I students. On the other hand, some viewed special education students as having "more potential" than Title I students.

Despite these stated differences between the two groups of students, many respondents saw few differences between Title I and special education students:

> Many of the Title I students could be EMR, LD, or ED. (Title I Coordinator, Washington)

> I see more similarities than differences between a Title I student and EMR, LD, and ED kids. Both (groups) feel that they are not achieving what they should be. The defense mechanisms which they show in the classroom are the same. (Title I Teacher, Washington)
>
> Title I and LD students are about the same. (Title I Teacher, Wyoming)
>
> I don't see much difference between my students and LD students. (Title I Teacher, Oklahoma)

Some respondents thought that only economic differences distinguished the two groups:

> Special education students are academically deprived but not economically, like Title I students. (Teacher, South Carolina)

Even those who acknowledge legitimate differences in the problems of special education and Title I students did not feel that the differences in the characteristics of the students necessarily carried over to differences in the services necessary for those students:

> Eighty to ninety percent of LD students could be put into a Title I remedial classroom with no damage to the child; only ten percent of the LD children couldn't cut it in Title I. Virtually all LD students on the secondary level could exist in Title I remedial classroom with no detrimental effects on the child. (District Special Education Director, Oklahoma)

Perhaps because of the similarities between Title I and at least some special education students, we were told of many cases in which there was confusion in deciding where to place students:

> They [the two programs] are tripping all over each other in selecting kids. (State Administrator, Washington)
>
> There are millions of cases of ambiguity about student placement. (Principal, South Carolina)

This respondent cited three cases of particular ambiguity:

1. Cases where Title I students were not referred to and identified for special education programs (and therefore remained in Title I programs).
2. Students who were in the long process of being screened for special education programs (and were receiving Title I services until the decisions were made).

3. Cases where parents prefer students to remain in Title I programs because they fear the stigma of special education programs and will not sign consent forms.

Ambiguities about where to place students resulted in a variety of remedies in certain school districts. School districts in several states provided special in-service training sessions to help them identify students with different types of learning problems.* To avoid some of the uncertainty in distinguishing between the types of students who should be served in each program, one school in Wyoming is moving away from a referral model in selecting learning disability students and instituting instead a screening procedure to parallel their current screening for Title I and bilingual students. One interviewee justified this move as follows:

> This [LD screening] will help us avoid using Title I as the place we look to for help with extra problems. (Title I Teacher)

The Services Provided by Title I and Special Education Programs

Respondents in all four states reported a number of similarities between Title I and special education programs for mildly handicapped students:

- Both focus on the same subject matter: reading and math.
- Both programs use generally the same types of materials.
- Both programs offer an opportunity for a child to have more individual attention from a teacher (although Title I programs tend to work with students in groups while special education rooms provide more one-to-one instruction).

For learning disability students, one respondent felt:

> If a child is in an LD class for a reading problem, then there is no difference between the two programs. (Teacher, Oklahoma)

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*One goal of these sessions was not only to help in student selection but to help teachers who would be dealing with mainstreamed students. "We know we can't serve all the LD students in LD classes so we wanted to give regular teachers some help in dealing with them." (Special Education Teacher, Washington)

Respondents did see some differences between Title I programs and school-level special education services. We were told that:

> Special education programs have more specialized materials. (Special Education Teacher, South Carolina)
>
> Title I programs have more money and more room. (Title I Teacher, South Carolina)
>
> Special education is more comprehensive and deals with the entire child while Title I services 'zero in' on academics. (Special Education Teacher, Washington)

Apparently, Title I and school-level special education services addressed problems that were similar enough to be amenable to many different coordination arrangements. In South Carolina we found:

- One school where Title I and special education programs shared the time of a school psychologist and a materials center.
- One district where both programs used the identical curriculum, a computerized pilot program called "limited learning," although we were told that the two programs may use different levels of this program.

In Wyoming we found:

- One school where the learning disability teacher administered perception tests for Title I students.
- One school where the special education teacher supervised the work of Title I aides.
- One school where Title I paid for in-service training for teachers to help them identify students with learning handicaps.

Title I and special education teachers often reported sharing materials and techniques with one another informally. One respondent, a district Title I director in Oklahoma, felt that Title I and learning disability teachers would each benefit from borrowing some of the other's particular skills. He thought that "learning disability teachers haven't had as much reading training as they should have; they are trained in either auditory or visual disabilities." On the other hand, he felt that Title I teachers could use some of the clinical diagnostic training of the learning disability teachers; instead, Title I teachers are too often tied to a "skills approach," i.e., word attack skills and group tasks, and therefore might not give some students the individual attention they need.

Receipt of Title I and Special Education Services by Dually Identified Students

Respondents in the four states in which we conducted telephone interviews reported a great deal of variability in the arrangements made to provide services to dually identified students.

Districts in Oklahoma and Wyoming were experiencing changes in their coordination policies. Whereas Title I and special education programs had been closely related in the past, attempts were being made to disentangle program funding (in Oklahoma) and to ensure that dually identified students did not receive services from both funding sources.* We will discuss the situations in Oklahoma and Wyoming first. We will then proceed to describe contrasting situations in South Carolina and Washington.

Oklahoma

Respondents in Oklahoma seemed to be experiencing a great deal of turmoil over the imminent withdrawal of Title I funds from special education. In March 1978, all district and county superintendents in Oklahoma received a memo that included the following statement from state education department officials:

> It is strongly recommended that consideration be given to reducing the number of special education units that utilize Title I funds since it appears that in the very near future such utilization of Title I funds will not be approvable.

Until this year, Title I has provided a large amount of support to special education programs in Oklahoma.†

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*These attempts to ensure that dually identified students would not receive dual services were probably meant to address Title I no-supplant rules, discussed in Chapter 1.

†This type of situation might explain the OE figure that 21% of all Title I children in the state were handicapped (see Table 2).

One state-level respondent told us that of the 623 school districts in the state, 360 were using Title I funds for trainable and educable mentally retarded, learning disabled, or speech handicapped students and that this year a total of 927 teachers and 221 aides for special programs were paid for by Title I funds. This amounts to a Title I expenditure in the state of about $5 million. This high amount of Title I support for special education relates to the pattern of special education funding in the state. Oklahoma has a flat grant system of reimbursement for special education services; for each special education teacher, the state reimburses school districts $6,000. Since the average special education teacher in the state costs $10,000 to $12,000, either Title I monies or LEA funds often make up the difference. One state official felt that this arrangement was necessary because the state only put in $15 million for special education needs, and the federal contribution for FY78 was only $2.9 million. According to his figures, the total is insufficient to meet special education needs. The new withdrawal of Title I funds from special education services may hit some districts especially hard; in one district, we found that Title I partly pays the salary of all 44 special education teachers. If the federal government comes through with the funding authorized under PL 94-142, then the state may be able to serve its special education population, according to one respondent. We were told that the withdrawal of Title I money from special education programs may result in depriving some students of needed services, at least in the short run.

At the school level, we found that different types of coordination arrangements resulted in the receipt of both Title I and special education services by some students. In some Title I schools, handicapped students (learning disabled, educable mentally retarded, and speech) also went to a Title I reading lab. In fact in one instance, five learning disabled students in a non-Title I school were sent to a nearby Title I program for additional assistance in reading at the request of the students' parents. At times, coordination arrangements seemed to be made by teachers informally and often without the knowledge of principals or Title I directors.

While Title I and special education services were coordinated for some dually identified students, many did not receive both services. One reason was the lack of space in either Title I or special education programs. For instance, in one Title I school the Title I teacher had a number of identified learning disability students in her class who could not be placed because there was no special education resource room in the school.

Another reason for dually identified students not receiving both sets of services was a concern about the disruption of student programs. One principal felt that students "normally don't have both because in this case they would be spending too much time away from their regular class." Another felt that:

> There's a lot to be gained in the homeroom situation. We shouldn't isolate kids too much. After all, are they that different from others? (Principal)

To sum up, Oklahoma did not seem to make a great effort to separate Title I and special education services in the past. Funding for special education was increased by Title I assistance. No formal rules exist to prevent students from receiving services funded by both programs. However, while some special education services are partially funded by Title I, the receipt of two sets of discrete services by dually identified students was not reported as a common occurrence. The move to withdraw Title I funds from special education programs has led to a great deal of concern. As a result, some respondents are disenchanted with categorical programs altogether:

> They should do away with those darn programs and let us have the money so we can reduce class size and get programs to serve kids. (Principal)

Wyoming

In Wyoming, state Title I administrators were also beginning to insist that dually identified students not receive Title I services. Until this year, dually identified students were not prohibited from receiving both sets of services if the services were complementary. For instance, in the past it was perfectly legitimate for learning disability students to obtain special education assistance in reading and Title I assistance in math if the special education teacher did not teach math. In a number of districts Title I services were sometimes written onto a student's IEP if the special education department did not provide a specific service and the Title I program did. Respondents claimed that students who received both services were not double counted.*

The greater separation between Title I and special education programs was resulting in some negative reaction from our respondents. Many felt that there were some students, especially those with very severe or multiple problems, who could benefit from receiving both services simultaneously. We were told that next year even a student who is receiving speech services from special education departments would no longer be eligible to receive Title I services. One teacher raised a dilemma about the relationship between special education and Title I programs when she said:

> It's too bad not to serve special education students with Title I funds. How do you provide supplementary services (as required by Title I) when all services for special education students are required?

Another problem one respondent had with the new policy was that it has already begun to cause less coordination between the two programs. In a sense, both special education and Title I teachers are "building their own empires."

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*We do not know exactly what our respondents meant when they claimed that students in the two programs were not "double counted." Since a district cannot control its funding count for Title I (unless they remove such students from the poverty count), we believe it is most likely that students receiving both sets of services are not counted for the purpose of receiving special education funds. We do not know whether the SEA or LEA takes dual services into account at the funds distribution or program planning stage. It is also possible that local educators have no way to verify whether the claim that students are not "double counted" is true, in fact; it may reflect some confusion about the way in which funds are generated by the two programs.

A common sentiment in Wyoming was expressed by one respondent:

> A child needs to receive the service designed for him no matter where it comes from.

South Carolina

All three districts contacted in South Carolina had maintained strict separation of the Title I and special education populations. Respondents in all three districts stated that dually identified students had never been able to receive both Title I and special education services:

> We just know we aren't supposed to do that. (Principal)

In these districts, students who entered special education programs were removed from Title I services. The one exception to this strict separation was that Title I aides did work with mainstreamed special education students.

However, in direct contrast to the increased separation of Title I and special education populations, one South Carolina district had just changed its policies to allow Title I funds to serve special education students if the particular services received from Title I were not "required by law." The state has specific service guidelines for each handicap; any service not specified is now eligible for Title I assistance, according to this district's interpretation. The most common example of such a service was the provision of Title I aides in special education classrooms. In order for special education students to receive Title I services, this district is requiring that Title I services must be recommended on student IEPs and that special education students must be tested at the same time as Title I students.

District officials expect this change in policy to result in an increase in the number of special education students who receive Title I services. Respondents in this district were satisfied with this change because they felt some students did need both services. Previously, parents of special education students had been dissatisfied that their children could not benefit from Title I services. Respondents were especially pleased that special education students could now receive

Title I support services such as social workers, nurses, and the like. This district also was planning to provide special education students with Title I funds by writing up special education components of their Title I programs.

It is clear that policies about providing dually identified students with double services were not uniform across the state. One state-level interviewee said:

> We would like to see some clearly worded (federal) guidelines.

Washington

Most respondents in the State of Washington felt that it was not legitimate to provide any student with both Title I and special education services. However, at least one state-level official claimed that there existed no rules to preclude students from receiving both Title I and special education services. In general, handicapped students were dropped from Title I once they were admitted to special education programs. Under some circumstances, Title I did serve students who were classified as special education, but these circumstances were rare:

> In one district, some types of special education students such as those receiving speech therapy could receive both services, but such a student could only be counted once for funding purposes.* (Special Education Director; Principal)
>
> In the same district, Title I does not serve special education students 'except in those cases where a special education student cannot be served in his school. Then Title I picks up the student.' (Title I Director)

While most respondents believed that the two programs were to be kept separate, a number of interviewees felt that some students would benefit from both services:

> Special education kids could benefit from Title I. They would take smaller steps over a longer period of time, but they can learn. (Title I Teacher)

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*See preceding note on double counting.

We did find a number of interesting coordination arrangements that allowed some students to receive services from both programs:

- One principal thought that a separation of the target populations applied only to the receipt of direct teacher services from both Title I and special education programs. It was this principal's interpretation that dually identified students could receive both types of services if paraprofessionals or aides were administering the services. In his school, in exceptional cases, therefore, students did receive services funded by both sources.
- One special education teacher said that she did provide services to thirteen identified handicapped students and five additional students, two of whom were also Title I students. The reason that this teacher provided services to additional students was that she viewed it as a trade-off with regular teachers for mainstreaming of students. "They are taking special education students for part of the time, so what will special education teachers give them in return?" She teaches these additional students reading and emphasizes visual and auditory memory.

Respondents emphasized that such exceptions were made only in cases where special education students were in resource room settings; students in self-contained classrooms were "not available for Title I services."

While our interviews in Washington seemed to uncover relatively few cases of simultaneous coordination of services, there seemed to be few problems with sequential coordination of services to students. Title I often was seen as a first step prior to special education placement or as a transitional step in the process of returning a student from special education to a regular placement.

Summary and Conclusions: Duplication and Limitation of Services to Students

Despite each state's unique characteristics, the patterns of overlap-related issues were similar in the four states we telephoned. In all states, teacher referrals began the process of special education placement and were important for Title I placement as well. In all districts we phoned, heavy reliance on teacher referrals for special education services could possibly result in overlooking handicapped students who escape the teacher's attention or whose problem is not considered severe enough to warrant special attention. Services provided

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by the two programs were often similar in content but sometimes differed in approach. Finally, with the exception of one district in South Carolina, districts in the four states tended to avoid providing double services to dually identified students.

Duplication of services was not perceived as a major problem in any of these states. The child who received both services was rare, and in these cases the services were complementary.

Limitation of services to some dually identified students seemed to cause more problems than duplication. In some places, newly enforced policies prohibiting receipt of both services often denied Title I services to special education students even if students' special education services were completely unrelated to the Title I services. In the short run, these new policies may result in limitation of services to more special education students or a reluctance to refer mildly handicapped students to overtaxed special education programs.*

One striking pattern observed in the course of the telephone interviews was the lack of a uniform policy across states and even within some states with regard to the treatment of dually identified students. While some districts seem to be receiving very definite messages to keep the program populations separated, other districts may be moving in the opposite direction.†

In general, problems faced by the four states in which telephone interviews were conducted resembled patterns we found in Tennessee rather than patterns we found in California. The major dilemma in the four states was how to provide eligible students with the services to which they are entitled within the limits imposed by scarcity of resources. California's problems created by abundance, such as program disruption, did not tend to occur in practice in the states where we conducted telephone interviews.

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*We do not mean to imply that the change in policy is unwarranted. It is possible that the use of Title I funds for special education deprives other Title I eligibles of service.

†We speculate that these differences may stem from variability in Title I administrative policy and legal interpretations at the state and regional levels.

VI SUMMARY, CONCLUSIONS, AND IMPLICATIONS FOR POLICY

Summary

This study of the overlap between Title I and PL 94-142 services was formulated to address the following questions:

- To what extent is there a duplication of services to students who might be eligible for both programs? That is, to what extent do Title I and PL 94-142 funds purchase the same services for the same children?
- To what extent do procedures and rules used in the selection and provisions of services to students result in limitations of the services that a student might be eligible to receive?

We were interested in both the duplication and limitation of services to dually identified students.* The study was undertaken to help federal planners at a time when the federal government is committed to high expenditures for both compensatory education programs under Title I and programs for handicapped students under PL 94-142.

The study's approach was exploratory and school-based. Information was gathered through unstructured interviews mainly at the school and district levels. Site visits were made to nine districts in two contrasting states, California and Tennessee. Telephone interviews were conducted in thirteen districts in four additional states. An additional four districts with large limited English-speaking populations were visited to survey "triple overlap" among Title I, special education, and bilingual programs (see Appendix A).

Our interviews collected information in three areas: the selection of students for programs, the services provided by the programs, and the receipt of services by dually identified students. We focused on comparisons of Title I programs with programs for students with mild learning handicaps (learning disabled, educable mentally retarded, emotionally disturbed), who usually were served in special education resource rooms.

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*As defined in Chapter I, a dually identified student is one who has been identified as handicapped and eligible for Title I services.

The Selection of Students

In all states in which we conducted interviews, teacher referrals were the first step in special education placement. Title I programs most often based eligibility on test scores and varied in the extent to which teacher judgments were also used for student selection. In all states except California, teacher judgments played an important role in the selection of students for Title I programs.

Although teacher judgments are an important factor in the selection of students for both Title I and special education programs, uncertainty among teachers about the differences between Title I and mildly handicapped students was common. Distinctions between the groups were clear to some respondents, yet others found few differences between some Title I students and those with mild learning handicaps. Those who saw differences between the two groups saw mildly handicapped students as having more severe learning problems, or having difficulties in more areas, than Title I students. However, teachers often expressed concern and confusion over how to assess student learning problems and programmatic needs.

We found that respondents' descriptions of the characteristics of special education students varied by school, by district, and by state. Variability and ambiguity in the criteria used to select students for both programs implies that students who are viewed as Title I students in one school or district are seen as belonging in special education programs in other schools or districts, and vice versa.

Services Provided by Title I and Special Education Programs

Generally, both Title I and special education programs for mildly handicapped students are conducted in resource rooms within schools;

participating students spend part of their day in the resource room. Teachers in Title I and special education resource rooms often use similar materials; both curricula emphasize basic skills.

Special education resource rooms usually serve fewer students than Title I classes and have more individualized, clinical orientations to their students than do Title I programs. These differences may stem directly from differences in program structure: special education classes are smaller because they tend to be limited in size by state laws, whereas Title I programs are not. However, this distinction may be changing. In Tennessee, for instance, class size limits for special education classes have been eliminated in some districts because the districts cannot afford to hire new teachers.

Special education services often attack a variety of problems facing an individual student, while Title I classes are usually subject-matter specific (i.e., either reading or math). The extent of informal and, in some cases formal, coordination among special education and Title I teachers imply to us a great deal of common ground between special education and Title I teachers and services.

Receipt of Services by Dually Identified Students

In general, with the exception of California, we found that there are very few students who actually receive services funded by both Title I and PL 94-142. There is a great deal of variability in school, district, and state policy and some confusion about whether or not students should be allowed to receive both services. In some districts and states, both services were provided to dually identified students only if the services could be shown to differ. Other districts were so strict in separating the programs that students receiving speech or vision services, for example, were not allowed to receive reading services from Title I programs.

Although states have differed with regard to their policies about simultaneous receipt of both services in the past, we found it interesting that, in light of PL 94-142, they are not uniformly moving in the same direction with regard to simultaneous receipt of services. In some districts (i.e., in Wyoming, Oklahoma), the two programs are becoming more separate because of directives from state Title I offices. In at least one other district (i.e., in South Carolina), the two programs are moving closer together. Respondents in states that were moving towards greater program separation expressed fears about reduction of services to some handicapped students due to lack of funds and an inability to rely on Title I services.

Although states, districts, and even schools had different policies for coordinating Title I and special education services, almost all the districts that we surveyed had some form of sequential coordination between Title I and special education services. Sequential coordination seems to work in two ways: (1) Title I programs were viewed as a first recourse to be tried prior to referral of a student for special education services, and (2) Title I programs were viewed as support for efforts to mainstream handicapped students into the regular classrooms.

Conclusions

Duplication of Services

This study originated with a concern about the duplication of services to students eligible for both Title I and PL 94-142 funds. The study suggests that the duplication of services to dually identified students does not seem to be a major problem in the districts we visited or telephoned.

Only a small number of students receive services from both funding sources. Some teachers informally circumvented district policies in order to provide both services to some dually identified students. But school staff members generally seemed reluctant to provide any students with more than one service; in most states they were so concerned about the lack of funds to provide adequate services to all students who needed additional help that providing dual services to the dually identified seemed a low priority. Only in some schools in California were there significant numbers of students receiving both Title I and special education services. For these children, teachers coordinated services in order to avoid redundancy. In California we also found rare cases where the receipt of multiple services resulted in the disruption of some students' programs. It is our impression that California's pattern differs from that of other states because compensatory education is fully funded in California while it is not in other states from which we collected information.

Limitation of Services

While duplication of services did not appear to pose major problems in most states, the limitation of some services to dually identified students does occur. Some dually identified students are excluded from Title I services because of rules or policies maintaining that students who are diagnosed as "handicapped" may not receive Title I services. Such rules are often based on the premise that handicapped students should receive all services from special education departments. Since PL 94-142 mandates states to provide a free, appropriate public education for handicapped students, provision of Title I services is sometimes viewed as supplanting funds that the state is obligated to provide for handicapped students (see the discussion of Title I provisions in Chapter I).

The provision of only one service to multiply eligible students may be reasonable if the programs provide similar services, although some would argue that the students most likely to be in this situation (i.e., mildly retarded, emotionally disturbed, or learning disabled students) would benefit from the "double shot" that the Title I services would provide. It may be even less reasonable to deny Title I assistance in academic skills to students whose special education services are not directly academic, such as speech or vision impaired students. Requiring these students to receive academic services only from special education departments is certainly antithetical to the notion of accessability to programs, which underlies PL 94-142.

Referral Systems and the Issue of Eligibility

While this report has focused on the duplication and limitation of services to students who have already been identified as handicapped and Title I eligible (dually identified), it is possible that some students who have not been identified as handicapped and who are currently served in Title I programs may have undiagnosed handicaps. This is because the identification of students for handicapped programs rests completely and perhaps too heavily on an initial referral, usually by a classroom teacher. The classroom teacher's referral may be based on a number of factors unrelated to the student. For instance, overcrowding of the special education program or the existence of other programs in the school may limit the number of students that teachers refer to special education programs. Hence, the Title I students who might benefit from special education services may never be considered entitled to them because they are never identified.*

Policy Implications: Short-Range Solutions to the Problems that Arise from the Overlap of Title I and PL 94-142

Some of the problems and issues raised by the overlap between Title I and PL 94-142 can be addressed within the current structure of Federal categorical education programs. However, the issues of overlap also raise a variety of fundamental flaws in the current structure. In this section we will present some of the possible short-range solutions to problems of overlap that can be achieved within the current program structure; the next section will suggest some possible long-range solutions.

Federal Solutions to Problems Related to the Duplication of Services

This study found that the duplication of services to dually identified students does not seem to pose a major problem, in part because of the efforts of individual teachers, administrators and sometimes school systems to provide a sensible coordination of services to dually identified students. However, efforts to coordinate services are not always made and their efficacy is unknown. It may be desirable for the federal government to create incentives to encourage the better coordination of services to dually identified students.

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*On the other hand, if Title I services adequately serve these students, receipt of Title I services avoids the labeling of these students as "handicapped."

The urgency with which the federal government should address these coordination issues depends in part on how widespread the problems are. This study indicates that at this time relatively few students receive services from both funding sources. Issues of coordination may arise only in areas of relatively abundant resources for education; the "disruption" of student programs, for instance, was reported to us only in California. The extent to which similar or related problems exist in other states with high compensatory education expenditures or could be expected with increases in either compensatory or special education resources might be a subject for future investigation. More importantly, the extent to which the federal government will be in a position to encourage greater coordination of Title I and special education services depends in part on the policies it adopts regarding the provision of Title I services to handicapped students. These are discussed in the following section.

Federal Solutions to Problems of Limitation of Services

The most common pattern of service limitation to dually identified students arises in the case where state and district rules or policies preclude any handicapped child from receiving Title I services. While we do not know the precise number of students affected by such rules, the findings of this study indicate the need for more flexibility in the rules that govern the receipt of multiple services. Rules precluding handicapped students from receiving Title I services may be reasonable for some students and unreasonable for others. The criteria for determining reasonable and unreasonable service limitations have not yet been specified and the federal government may wish to develop them. These criteria may relate to the student's handicapping condition, the configuration of Title I and special education services available to the student, and the impact of providing multiple services to dually identified students on other program eligibles. For instance, it may be reasonable to exclude a severely retarded child from participation in Title I services because the child might not be able to benefit from the services being provided; it may be unreasonable to exclude a child with an orthopedic handicap (which does not affect the child's achievement) from the academic services offered by Title I. Also, closer coordination between Title I and special education programs might be encouraged in specific schools where compensatory services are fully funded and the receipt of dual services by some students would be less likely to deprive other eligible students of a single service.

Criteria devised on the federal level will of necessity be too broad to encompass the wide variety of decisions about individual students that local educators will have to make. A great deal of local discretion will have to be allowed in the provision of services to dually identified students in order to fit their various needs. Neither total reliance on local discretion nor total federal specification will be satisfactory to both federal policymakers and the local educators who must abide by their decisions. It might be most desirable for the federal government to develop criteria for how the decisions about individual children should proceed. This would mean increasing district discretion in areas where it is currently limited: the discretion to assess a child's "ability to benefit" from either Title I, special education services, or both; and the discretion to allow Title I to satisfy any basic skills remedial needs a handicapped child may have, specifying the conditions under which a child may be skipped for service, etc.

Addressing the rules that govern receipt of Title I services by special education students will require policymakers to rethink at least one fundamental question:

> When does the receipt of Title I services by special education students per se constitute a supplanting violation because of PL 94-142's requirement of a free, appropriate public education to all handicapped children?

This issue subsumes a number of very practical questions, including:

- Can Title I services be provided if they are recommended on the IEP of a handicapped child?
- Can handicapped students receive nonacademic supplementary services from Title I even if they receive their academic services from special education programs?

But more important than the development of new criteria to determine the conditions under which students can receive both Title I and special education services is the necessity on the part of the federal government to address some of the economic issues that may affect local decisions to provide students with multiple services. Given the current low levels of special education funding in many of the states, more local discretion to use Title I resources to serve handicapped students might result in wholesale use of Title I funds to serve handicapped students.

Federal Solutions Related to Problems of Referral Systems and the Issue of Eligibility

The federal government might wish to encourage alternatives to the heavy reliance on teacher judgment in the initial referral of students for special education services. But this presumes a satisfactory and available alternative that is more "objective." Such an alternative does not exist; for example, criteria for defining learning disabilities, mental retardation and emotional disturbances vary from state to state and tend to be vague (Newkirk et al., 1978). Controversies over definitions are well documented (see Craig and Malgoire, 1977 for definitional issues in the learning disability population). Operational definitions of these handicaps may be even more difficult because of decreasing reliance on IQ tests in many states.

There is some room to maneuver, however, particularly in the area of giving teachers more guidance on selection criteria. Although definitions will always be relative, consistency in selection criteria might be achieved at least at the school or district level. Since teachers often express rather than hide their confusion over identification criteria (Marver and David, 1978), the provision of guidelines for identification and information about the various alternatives available for students might decrease the likelihood that some students will be overlooked by teachers.

Another alternative would be to devise assessment schemes that rely on teacher input in a more systematic way. For instance, the use of teachers to assess all students to determine which ones are at "high risk" of having handicapping conditions might result in overlooking fewer students (Lambert, 1963; Hartsough et al., 1977). Further research is needed to determine whether a large number of students are overlooked under current referral schemes; this study raised the possibility but provides no statistics on the subject.

To sum up, short-range solutions to problems raised by the overlap between Title I and PL 94-142 services might require efforts on the part of the federal government to improve the coordination of services, to clarify the rules with regard to this coordination and to assist leaders in making judgments about students. Moreover, to avoid wholesale misuse of Title I funds, federal policymakers will have to address the resource problems of the states in meeting their legal obligations under PL 94-142. But at least some of the problems documented in this report are inherent in the current structure of federal education programs, which encourages separation among categorical programs. These problems will require some fundamental and long-range shifts in approach and structure.

Policy Implications: Long-Range Solutions to the Problems that Arise from the Overlap of Title I and PL 94-142

The questions and dilemmas raised in this report mask an important underlying question:

> Under what conditions does it really make a difference whether a student receives Title I services, special education services, or both?

It clearly makes a difference for students with severe learning handicaps; Title I programs are not well-equipped to serve them. It also makes a difference for students with physical handicaps; these students should not be the responsibility of Title I programs unless they have academic needs as well. But for students with mild learning handicaps (for instance, learning disabilities, mild retardation, emotional disturbances) the benefits provided by Title I and special education programs may be interchangeable.*

This is not to say that there are no differences between students with mild learning problems compared with students who are "simply" low achievers. But there does not seem to be any way to unambiguously distinguish between these two groups. As a result, characteristics of mildly handicapped students seem to shift from state to state and school to school. From the perspective of providing services to students, the etiology of a student's problem may not matter. Whether a student's low achievement is "caused" be economic deprivation or by a "learning disability" may not affect the treatment provided at all.

The real solutions to problems of overlap and coordination among categorical education programs demand actions beyond making improvements within current program structure. As we mentioned in Chapter I of this report, because of their history, federal education laws have sprung up in response to particular views of particular educational needs and political pressures rather than any unified vision of providing the necessary additional services to students with special needs. With the proliferation of these laws in recent years, now may be the time to think about such a unified perspective. The key to such a perspective may be to move toward a more service-oriented approach to student needs. This would require federal policymakers to adopt, to some extent, the school's perspective to serving special students.

In a sense this research has provided a case study of the contrast between federal and school perspectives towards serving students with special needs. This study began with the following argument, which underlies the federal perspective:

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*This issue is one of considerable debate in the special education community. Representative of this debate are the following articles which were published in a special issue of the Journal of Special Education: Hartman, 1973; Herrick, 1973; Moss, 1973; Redelheim, 1973.

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(1) Title I and PL 94-142 are laws that were designed to serve two distinct populations.

(2) The populations served by these two laws overlap.

(3) If the populations overlap, then services directed at these populations will also overlap.

Of course, federal policymakers are aware that administrative rules and standard operating procedures minimize a direct correspondence between population overlap and service overlap. Even without such direct correspondence, however, the focus on distinct target populations, which is embedded in the federal argument, fosters a concern about which services are provided to students who belong to both populations.

The argument that underlies the school perspective is different. Schools tend not to see their students in terms of target populations. Rather, it has been our impression that school administrators and teachers ask the following questions in determining service delivery:

(1) What are the service needs of students in terms of the level of student functioning?

(2) What are the services available to us to meet these needs?

(3) How can we match student needs with available services or organize our students to maximize the fulfillment of their needs?

Many of our respondents felt that federal programs forced them to make too many distinctions among different types of students with similar needs.

Perhaps it is time for those who frame federal education policy to begin to think in functional terms, i.e., in terms of how the services provided by programs meet the needs of students. One approach might be to view the school as housing a "smorgasbord" of student services. Then the relevant question would be:

- Which services would help a student who has certain specific functional needs (e.g., reading problems, perceptual-motor disabilities, etc.)?

This approach would require granting more decisionmaking authority to the school level where services are actually delivered.

We realize that this approach would require substantial changes in the current structure of federal education programs. However, this suggestion also incorporates the thrust of PL 94-142, which is to move away from labels and towards a service orientation, and expands this thrust to all federal education programs.

Future Research

To move in the direction of a service approach in federal education policy, preliminary studies should address the following issues:

- How, on a school level, are services organized? What is the internal logic that governs the organization and integration of programs? To address these issues would require a larger and more systematic set of data than was collected for this report.
- What are the implications of various patterns of organization for the delivery of student services? A larger study of different patterns of service delivery might be undertaken to supplement the preliminary findings of this report.
- What are the funding implications of certain patterns of coordination? Future research will need to explore new ways of funding programs (e.g., weighting systems).

Final Note

This study has sought to specify the issues that heretofore have been vaguely described as "the overlap problem" or, more pejoratively, "double dipping." There is an overlap problem, but we found the connotation of the "double dipping" description unwarranted. Rather, school people face real problems in providing multiple services to students and are addressing the resultant dilemmas as best they can. These dilemmas also reflect broader problems in the operation of categorical programs that might require fresh approaches.

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Appendix A

OVERLAP AMONG SERVICES PROVIDED BY TITLE I, PL 94-142, AND PROGRAMS FOR LIMITED-ENGLISH-SPEAKING (LES) STUDENTS

Appendix A

OVERLAP AMONG SERVICES PROVIDED BY TITLE I, PL 94-142, AND PROGRAMS FOR LIMITED-ENGLISH-SPEAKING (LES) STUDENTS

Introduction and Background

Midway through this study the ASE staff became interested in exploring issues of overlap among three types of programs: Title I, special education, and bilingual programs. As a result of this interest, we undertook an exploration of "triple overlap" in three school districts with very large concentrations of limited-English-speaking students.* This phase of our study was even more exploratory than the previous phase for two reasons. First, our budgets allowed for visits to only four districts. Second, we remained in each district for only two days; while this may have been sufficient for smaller districts, it was only a "first cut" for the very large systems that tend to serve LES students.

Three of the four districts visited were in large urban areas with very high concentrations of LES students, and one was in a smaller urban center with lower concentrations of LES students but a functioning bilingual program. The LES populations of the three large urban districts were 34%, 31%, and 7%. (In one system, we were told that 50% of the kindergarten population this year was from an LES background.) In the smaller urban system, about 5% of the population was LES, but our interviews occurred in schools with extensive services to LES students.

The schools we visited in this phase of the study often had programs funded by Title I, special education (partially funded by PL 94-142), and from either federal or state bilingual programs. While states and districts keep Title I programs separate from special education programs, bilingual services are often provided through Title I funds. In all the districts visited for this phase of the research, Title I had at least some services directed towards LES students; Title I funded English as a second language (ESL) components, paid for bilingual aides, and the like. In one state, bilingual programs constituted one of the state's highest Title I priorities, along with programs in remedial reading and mathematics. While we found some bilingual components of programs for the handicapped, this pattern was less common.

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*We use the term limited-English-speaking to describe children who are limited in their ability to speak and understand English (including non-English speaking).

In general, school staff did not express a need to distinguish bilingual populations from either Title I or special education populations. Maintaining a distinction between Title I and special education populations had been a sensitive issue in our previous work.

Issues of Overlap Related to the Selection of Students

In this phase of the research we found that the screening of students for both Title I and special education programs is complicated by the difficulties of addressing the needs of LES students.

Title I and LES Students

In the districts we visited, screening procedures for Title I programs tended to be identical for LES and non-LES students. Thus, the eligibility and participation of students in these districts was determined by their performance on English language tests. We found only one district in which language-free tests were used to determine Title I eligibility and placement. We were given two types of reasons for the use of English language tests for Title I eligibility:

- Adequate non-English tests were not available.
- The purpose of Title I, according to some respondents, was to raise students' low achievement in the reading of English; therefore, an English language test was an appropriate instrument.

The result of this practice in the districts we visited was that a large proportion of LES students were participants in Title I programs. The appropriateness of English language tests for determining the eligibility of LES students for participation in Title I programs constitutes a significant policy issue.

The issue of English language testing was perceived as a problem by some respondents and is exemplified by the concern of one teacher:

> Bright bilingual students may receive Title I assistance because they can't speak English.

This teacher was concerned that non-LES students who needed assistance were not receiving it. The issue may be less serious in districts where a Title I component is specifically geared toward LES students.

LES students may become participants in Title I programs in one of two ways: if they meet normal eligibility and selection criteria, or if the LEA has a special component of its Title I program designed for LES children.* In either case, a participating child must be in greatest need of the assistance to be provided services by the proposed Title I project. It is not clear whether the use of English language tests is appropriate for either type of project. The role of language in testing for Title I is an issue which needs to be clarified at the Federal level.

Special Education Programs and LES Students

Every stage of the screening of students for special education programs raises a problem for students from LES backgrounds. Teacher referrals are sometimes complicated by teachers' inability to distinguish student learning problems from language and/or cultural differences. We were told that the accepted cultural patterns of some immigrant groups in one school system might easily be interpreted as signs of emotional disturbance to a teacher who has not been sensitized to cultural differences. Furthermore, some respondents explained that the disorientation caused by students attending a school where the culture and language are different from their native culture and language might cause temporary learning problems that would disappear with the student's adjustment to the school. In such a case, a special education placement would be unwarranted. Nevertheless, we were told that:

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*The validity of LES components is presently at issue in light of Title I's no-supplant rule, which prohibits use of funds for services required under Lau or state law (45CFR Sec. 116.40[b]). Such projects may be in violation of Title I no-supplant in districts subject to Lau or having a state ESL or bilingual program. Issues similar to those discussed in Chapter I with regard to handicapped children arise with respect to participation in Title I projects, where an individual LES child is entitled to services under Lau or state law. That is, is the state or locality required to provide some measure of similar service with state/local funds prior to applying Title I funds (see also 116.41[c])? Although the overlap between Title I and bilingual programs has received less attention than that between Title I and PL 94-142, the legal issues are the same ones discussed in Chapter I of this report.

> Regular teachers don't always realize that language and acculturation are problems and [they] refer language problems to special education.

According to some of our respondents, a special education placement under such circumstances would be damaging to a child because of the labeling that would inevitably occur.

While teachers sometimes mistake a language problem for a handicap, we were also told of one case in which language masked a child's handicap. In one school, a student was referred to a bilingual program because of a supposed language problem; the bilingual teacher discovered that the student had a hearing problem, and the student was referred for special education services.*

Distinguishing between special education needs and cultural/language differences is crucial for special education programs, which depend on the teacher's ability to assess initially that a student is having difficulty. Such problems in the initial referral and diagnosis have caused at least one of the school systems we visited to adopt special policies; for example, LES students at that school cannot be referred to special education programs for mild handicaps until a few years after the student's initial contact with the school system. While this policy may prevent mislabeling of students, it could also cause some handicapping conditions to remain undetected.

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*The provision of services to handicapped students of LES backgrounds seems to be just as problematic as providing for nonbiased diagnosis. Although districts seem to be hiring bilingual diagnosticians, the districts we visited seemed to have very few bilingual special education teachers. Those hardest hit by this shortage seemed to be students with severe handicaps from an LES background. While students with milder handicaps might be adequately served in a bilingual program at the school level, such programs did not exist in schools that served more severely handicapped students.

The problems of diagnosing LES students for special education programs is further complicated by the lack of non-English language tests. In one district, a psychologist pointed out that teachers' and specialists' observations of students to assess mental retardation were even more important for LES than for non-LES students because there were no adequate non-English language IQ tests for this purpose. This psychologist said that in diagnosing LES students for retardation, great emphasis is placed on the student's adaptive behaviors, especially his ability to interact with his LES peers. Such assessments are made even more difficult by a shortage of bilingual psychologists in all of the districts we visited. While these districts did have special education services exclusively geared toward LES students, respondents complained of a shortage of qualified staff for bilingual/handicapped programs.

The difficulties in referral and diagnosis of LES students for special education programs for mildly handicapped students arise from two conflicting needs: (1) to provide adequate services to LES students with learning problems, and (2) to avoid the labeling of these students for language-related problems. At least one teacher we interviewed thought that bilingual programs were necessary to diagnose students with true learning difficulties or other handicaps while preventing misdiagnosis and placement. This teacher maintained that:

> Bilingual programs provided the cultural support without which some students would need special education programs.

The same teacher also thought that when students with LES backgrounds are not identified as such, they can fall so far behind in their schoolwork that they become special education problems.

Overlap Issues Related to the Receipt of Services by Multiply Eligible Students*

The provision of bilingual education services in conjunction with either special education or Title I services did not seem to raise as many issues as the provision of Title I and special education services to dually identified students. Perhaps because of policies that discourage special education referrals for LES students, or perhaps because of the perceived shortage of bilingual special education teachers, the problems associated with the receipt of double service did not seem to be a major issue in the districts we visited.

As in the rest of our study, we found a variety of coordination arrangements. One district's policy was to serve all eligibles with one service before providing any child with two. This led to some negativity from one teacher we interviewed:

> It is unfair to the ESOL [English for Speakers of Other Languages] students to exclude them from Title I math . . . [although this teacher felt she understood the need to keep ESOL students out of Title I reading until they were more familiar with English].

However, in other districts students could and did receive services funded by both Title I and a bilingual program. One of the most common patterns we saw in at least two districts was one in which Title I services provided ESL instruction to supplement bilingual programs that fit a maintenance model. In some cases, students were pulled out of their bilingual classrooms to attend Title I ESL instruction.

One reason why problems of coordination did not seem as pressing in these districts was that they all seem to have schoolwide committees devoted to the placement of students in all programs (not just special education committees).

In most districts, some students were receiving services from more than one funding source. We did not find any cases in which the services were identical. A greater problem may be the limitation of services; many LES students may not receive special education services because teachers do not refer them (often in order to prevent labeling), there are inadequate instruments for diagnosing them, and there is a shortage of bilingual special education personnel.

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*The terms "multiply eligible" here encompass students who have been identified as either eligible or entitled to services as well as those who would be so considered if they were provided with adequate assessment.

Need for Future Research

This appendix has outlined some issues raised by triple overlapping LES, Title I and handicapped students. Our observations, however, were based on a very limited sample of districts from which information was gathered under severe time constraints. More research is needed to document the issues and to assess their generalizability.

Appendix B

LIST OF TOPICS COVERED IN INTERVIEWS

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The following is a list of the topics that were covered during in-person and telephone interviews. The interviews were fairly informal and unstructured. Not all topics were covered in all interviews, nor were topics necessarily covered in the order presented.

- Program description
  - Goals
  - Changes
  - Policy regarding program overlap
  - Differences among schools.
- Target groups
  - Identification and referral process
  - Eligibility criteria by type of disability (handicap, Title I)
  - Tests and observations
  - Identification of greatest need
  - Limits on number of students served--space, funds, personnel.
- Services
  - District or school-based service delivery
  - Subjects taught
  - Form of service
  - Type of personnel
  - In-service training
  - Handicaps covered
  - Percent served compared with state-suggested proportions
  - Changes in percent served
  - Parent preferences
  - Impact of PL 94-142.

- Budgets
  - Percent state, federal, local funding
  - District policy regarding allocation of funds
  - Allocation of money by program
  - Use of funds.
- Overlap of Title I and special education
  - Rules that preclude receiving both services
  - Conditions of dual identification
  - Cases of overlap and resolution
  - Staff that serve both populations
  - Rules requiring limitations of service to identified students
  - Level of staff and departmental interaction
  - In-service training that meets mutual needs
  - IEPs that recommend Title I services
  - Perceived differences between curricula, teaching techniques, staff, etc.
  - Extent of overlap problem
  - Mainstreaming in classes with Title I students.